

**CITY OF NEWPORT BEACH
PLANNING COMMISSION STAFF REPORT**

July 7, 2011 Meeting

Agenda Item 5

SUBJECT: Restaurant Conditional Use Permit - (PA2011-062)
111 Palm Street
▪ Conditional Use Permit No. UP2011-012

APPLICANT: Lone Oak Newport, LLC

PLANNER: Makana Nova, Assistant Planner
(949) 644-3249, mnova@newportbeachca.gov

PROJECT SUMMARY

A conditional use permit to allow an eating and drinking establishment with late hours, an outdoor dining patio, a second floor office area, and a Type 47 (On-Sale General) alcoholic beverage license. Conditional use permit approval is also necessary to reduce the required parking spaces through the approval of a parking management program because the subject property does not provide on-site parking.

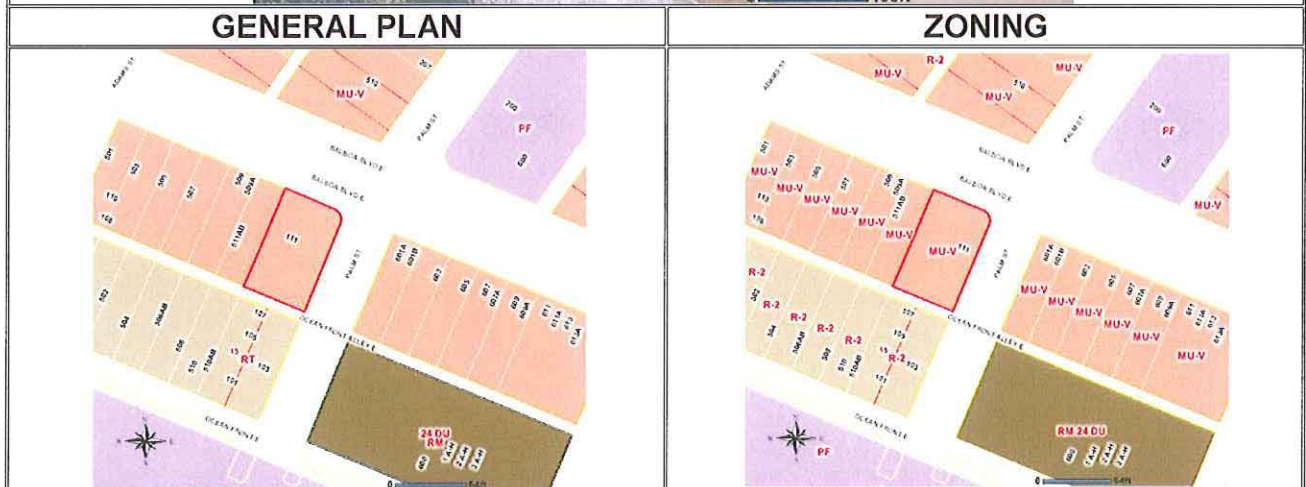
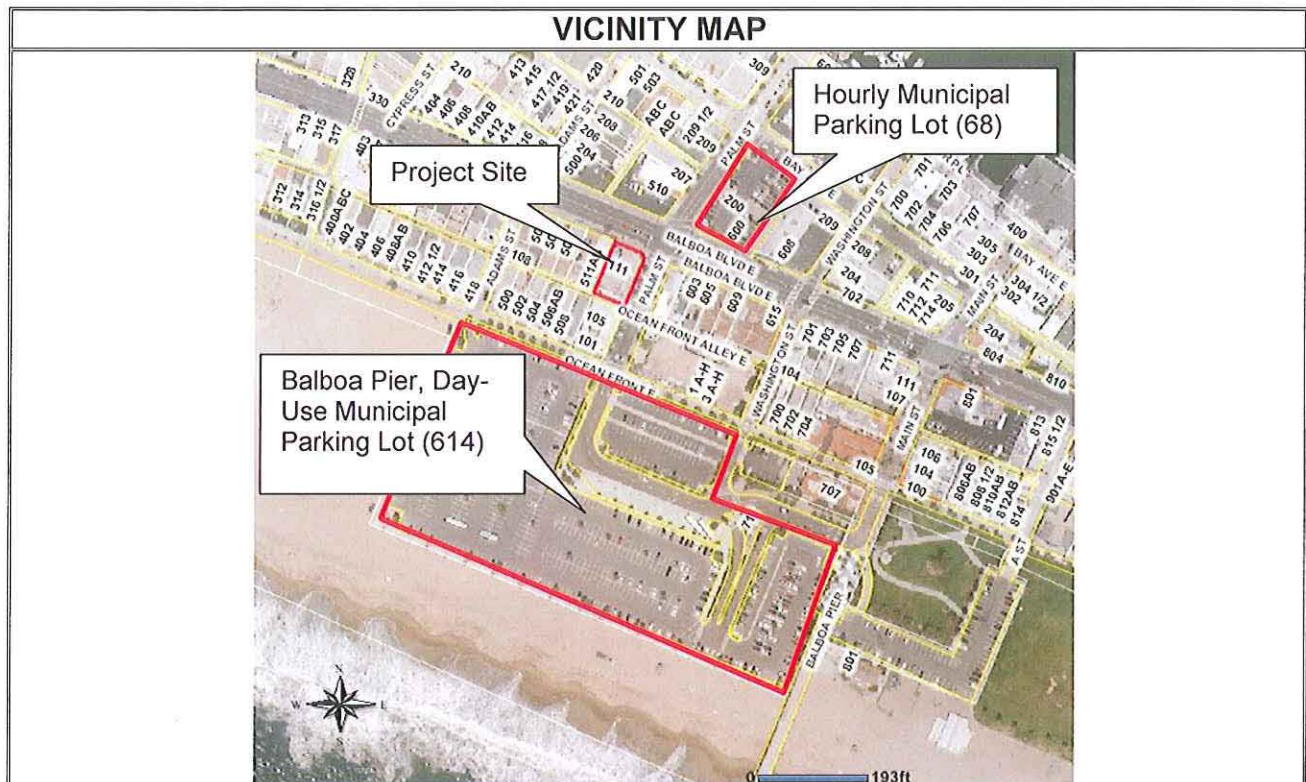
RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Approve Use Permit No. UP2011-012 with a closing hour of 12:00 midnight for the interior of the establishment and 10:00 p.m. for the outdoor dining patio, subject to the findings and conditions of approval in the draft resolution (Attachment No. PC 1).

INTRODUCTION

Project Setting and Description

The subject property is bounded by East Balboa Boulevard, Palm Street, and an alley. Office and residential uses are located to the west along Balboa Boulevard and mixed-use properties including retail, office, and residential units are located to the north, east, and south of the subject property. The Balboa Pier parking lot is located within walking distance (less than 500 feet away) and contains 614 parking spaces. An additional hourly municipal parking lot is located on the north side of East Balboa Boulevard between Palm Street and Washington Street and it contains 68 parking spaces. The property is 5,504 square feet (approximately 0.13 acres) in area and is developed with a 5,427-square-foot vacant building. No parking is provided on-site.



LOCATION	GENERAL PLAN	ZONING	CURRENT USE
ON-SITE	MU-V (Mixed-Use Vertical)	MU-V (Mixed-Use Vertical)	Vacant Retail Tenant
NORTH	MU-V (Mixed-Use Vertical)	MU-V (Mixed-Use Vertical)	Mixed-use, retail, office & residential and a municipal parking lot
SOUTH	RT (Two-Unit Residential)	R-2 (Two-Unit Residential)	Mixed-use, retail, office & residential and a municipal parking lot
EAST	MU-V (Mixed-Use Vertical)	MU-V (Mixed-Use Vertical)	Mixed-use, retail, office & residential
WEST	MU-V (Mixed-Use Vertical)	MU-V (Mixed-Use Vertical)	Mixed-use, retail, office & residential

The applicant requests approval of a conditional use permit to allow an eating and drinking establishment with late hours, an outdoor dining patio, a second floor office area, and a Type 47 (On-Sale General) alcoholic beverage license. The applicant proposes minor alterations to the property with the floor plan remaining generally unchanged. Exterior improvements are not proposed as part of the conditional use permit application but may be included once a tenant is identified for the building. The proposed interior net public area is 2,040 square feet, and the existing and proposed outdoor dining patio is 606 square feet in area. The outdoor dining patio is located outside of the front entrance facing East Balboa Boulevard. The requested hours of operation are from 6:00 a.m. to 12:00 midnight, Sunday through Thursday, and 6:00 a.m. to 1:00 a.m., Friday and Saturday. The requested hours of operation for the outdoor dining patio are from 6:00 a.m. to 10:00 p.m., Sunday through Thursday, and 6:00 a.m. to 11:00 p.m., Friday and Saturday. The proposed floor plan includes 83 interior seats and 28 outdoor dining seats. The project applicant anticipates a total of 18 employees working a morning and evening shift for the proposed restaurant. Conditional use permit approval is also necessary to reduce the required off-street parking through the approval of a parking management program because the subject property does not provide on-site parking.

Background

The existing building has historically been utilized as a restaurant. According to County records, the building was originally constructed in 1930 and consisted of multiple tenant spaces.

Use Permit No. UP876 was approved in 1962 for the Red Carpet Bar. It allowed for a bar, game room, and dancing for a maximum of five(5) couples over a one(1) year duration.

Use Permit No. UP2045 was originally approved in 1981 to combine the Red Carpet Bar and the adjacent commercial space into a single restaurant. The use permit was subsequently amended in 1982, 1986, and 1995. The use permit ultimately allowed for an eating and drinking establishment, known as Bubbles, with full-service alcohol, an accessory outdoor dining patio, and live entertainment. Upon the final amendment in 1995, the restaurant had year round operating hours from 6:00 a.m. to 12:30 a.m., Sunday through Thursday, and 6:00 a.m. to 1:00 a.m., Friday and Saturday. The approval of the use included a parking reduction for 23 spaces and the payment of in-lieu fees for 18 of those spaces at a rate of \$150 per parking space, annually.

The restaurant use was terminated in 1998. The property was then utilized for a variety of other uses including an office, art gallery, and jewelry shop. The tenant space was changed and utilized for stone product manufacturing in 2003, then as a glass manufacturing company in 2009. The building has been vacant since September of 2010. The property owner has not yet identified a specific tenant for the property but would like to reestablish the restaurant entitlement for marketing purposes. The building

retains the infrastructure such as a kitchen area, venting, and grease interceptor necessary to operate a restaurant.

DISCUSSION

Consistency with General Plan/Coastal Land Use Plan/Zoning

The site is designated MU-V (Mixed-Use Vertical) by the General Plan Land Use Element, the Coastal Land Use Plan, and the Zoning Code. All of these designations allow for mixed-use and commercial development. The proposed eating and drinking establishment, which would be the sole occupant of the subject property, is consistent with these land use designations. The proposed project requires a conditional use permit to allow the establishment with late hours of operation, an accessory outdoor dining patio, and alcohol service along with a reduction in the required off-street parking. Inasmuch as this subject property is located within the Coastal Zone and this item is considered an intensification of the existing retail use, Coastal Commission approval will be required prior to issuance of building permits for tenant improvements.

Under the General Plan land use designation of MU-V, the Floor Area Ratio (FAR) for the subject property is limited to 0.75. The existing FAR for the subject property is nonconforming at 0.98. Inasmuch as the proposed application will not result in an increase in the floor area ratio, the project is consistent with the Land Use element. Land Use Policy LU6.13.5 (Rebuilding of Non-Conforming Structures) of the General Plan states that one of the goals for the Balboa Village district is to allow existing nonconforming structures to remain, "Permit existing commercial buildings that exceed the permitted development intensities to be renovated, upgraded, or reconstructed to their preexisting intensity and, at a minimum, number of parking spaces." The project is consistent with this policy and would allow for the reuse of the existing art-deco building, thus maintaining the character of the district.

Late Hours

Pursuant to Section 20.48.090 (Eating and Drinking Establishments) of the Zoning Code, the Planning Commission must consider the following potential impacts upon adjacent or nearby uses when reviewing an application to allow late-hour operations:

- 1. Noise from music, dancing, and voices associated with allowed indoor or outdoor uses and activities;*
- 2. High levels of lighting and illumination;*
- 3. Increased pedestrian and vehicular traffic activity during late and early morning hours;*
- 4. Increased trash and recycling collection activities;*

5. *Occupancy loads of the use; and*

6. *Any other factors that may affect adjacent or nearby uses.*

Staff recommends a closing time of 10:00 p.m., daily, for the outdoor dining patio to diminish the effects of exterior noise resulting from late night dining activities on nearby residential uses. The location of the outdoor dining patio will help limit exterior noise impacts given the orientation of the building facing East Balboa Boulevard and Palm Street. Possible noise impacts for the interior of the restaurant will be diminished because live entertainment and dancing are not proposed, thereby limiting the likelihood the establishment will evolve into a nightclub. The staggered closing hour for the interior of the restaurant, in comparison with other restaurants in the area that close at 2:00 a.m., will assist the Police Department with control of public areas at night.

The proposed use will not necessitate high levels of lighting or illumination and any outdoor lighting must conform to Zoning Code Section 20.30.070 (Outdoor Lighting). The project has been conditioned to require a photometric study at plan check for the addition of any exterior lighting on the subject property.

A temporary increase in traffic during late and early morning hours on weekends is likely along East Balboa Boulevard; however, the establishment is located along East Balboa Boulevard, which is a major road and the location in Balboa Village will cater to nearby residents and visitors. The increase in traffic will occur at off-peak times.

The occupancy load, which includes employees for the proposed use, is 153 persons including the outdoor dining patio and the office on the second floor. The restaurant floor plan provides a total of 111 seats. The difference between the occupancy load and the seating plan including employees on-site is 32 persons. The draft resolution requires that the proposed restaurant be in substantial conformance with the approved floor plan.

Alcoholic Beverage Sales

When reviewing an application to allow an eating or drinking establishment to sell, serve, or give away alcohol, Section 20.48.090 (Eating and Drinking Establishments) of the Zoning Code requires the Planning Commission to evaluate the potential impacts upon adjacent uses (within 100 feet as measured between the nearest lot lines) and to consider the proximity to other establishments selling alcoholic beverages for either off-site or on-site consumption. The adjacent uses are residential, general commercial, and retail. The draft resolution includes conditions of approval to minimize negative impacts that the proposed eating and drinking establishment may have to surrounding residential uses and ensure that the use remains compatible with the surrounding community.

In order to approve a use permit for alcohol sales, the Planning Commission must also find that the use is consistent with the purpose and intent of Section 20.48.030 (Alcohol Sales). In doing so, the follow must be considered:

- a) *The crime rate in the reporting district and adjacent reporting districts as compared to other areas in the City.*
- b) *The numbers of alcohol-related calls for service, crimes, or arrests in the reporting district and in adjacent reporting districts.*
- c) *The proximity of the establishment to residential zoning districts, day care centers, hospitals, park and recreation facilities, places of worship, schools, other similar uses, and any uses that attract minors.*
- d) *The proximity to other establishments selling alcoholic beverages for either off-site or on-site consumption.*
- e) *Whether or not the proposed amendment will resolve any current objectionable conditions.*

The establishment is located within Reporting District 12, which includes the Balboa Fun Zone, Balboa Pier, and Balboa Village. For a map of the City of Newport Beach Reporting Districts, see Attachment No. PC 3. A memorandum, which includes alcohol related statistics from 2009, is provided in Attachment No. PC 4. The Police Department does not object to the operations as proposed by the applicant. A discussion of the factors is provided below:

1. *The crime rate in the reporting district and adjacent reporting districts as compared to other areas in the City.*

Reporting District	Part One Crimes (Serious offenses)	Part Two Crimes (All other offenses)	Part One Crimes Rate (per 100,000 people)
RD No. 12	96	47	5,370.03
RD No. 13	70	65	3,632.89
RD No. 15	319	179	10,701.32
Newport Beach	2,884	3,350	3,297.31

The Part One Crimes Rate in Reporting District 12 (RD 12) is higher than the Part One Crimes Rate for the City and one(1) adjacent district. The crime rate in this reporting district is 27 percent above the City wide reporting district average. The higher crime rate within this reporting district is largely due to the number of visitors to the Balboa Peninsula, the high concentration of restaurants, and the high ratio of non-residential to residential uses in RD 12. While the proposed establishment is located in an area which

has a high concentration of alcohol licenses, staff feels it is appropriate to allow the proposed eating and drinking establishment within the existing structure because it was originally designed to accommodate a restaurant use. The service of alcoholic beverages would provide additional menu options for customers and would enhance the economic viability of the business. The Police Department does not object to this project as conditioned and the operational characteristics of the business would be required to obtain an Operator License.

2. *The numbers of alcohol-related calls for service, crimes, or arrests in the reporting district and the adjacent reporting districts.*

Reporting District	DUI/Drunk Arrests	Total Arrests	Calls for Service
RD No. 12	50	105	2,358
RD No. 13	41	127	2,554
RD No. 15	361	635	6,663
Newport Beach	1,272	3,595	65,807

RD 12 has a higher number of DUI/Drunk Arrests, Total Arrests, and Calls for service recorded in 2009 compared to one(1) adjacent reporting district. From January 1, 2010 through December 31, 2010, the Police Department reported no calls for service to the subject property.

3. *The proximity of the establishment to residential zoning districts, day care centers, hospitals, park and recreation facilities, places of worship, schools, other similar uses, and any uses that attract minors.*

Residential units are located 10 feet across the rear alley to the southwest of the subject property and the subject property is located in a mixed-use district where residential development is permitted above the first floor. Multi-family residential development is located diagonal to the project site to the southeast and adjacent to the Balboa Pier parking lot. The proposed access and outdoor dining area are separated from existing nearby residences due to the orientation of the tenant space, which faces Balboa Boulevard and Palm Street. The nearest recreational facilities, the beach and the Balboa Pier, are located approximately 500 feet to the south of the subject property. The nearest church, Our Lady of Mount Carmel Church, is located 1.34 miles to the northwest of the subject property along West Balboa Boulevard. The nearest school, Newport Elementary School, is located 1.24 miles to the northwest of the subject property along West Balboa Boulevard. The project site is not located in close proximity to a daycare center. The proposed use is surrounded by other commercial retail and office uses on the ground level.

The Balboa Peninsula is generally characterized by a high number of visitors, in which commercial and residential zoning districts are located in close proximity to one another. The draft resolution includes conditions of approval to minimize negative impacts that

the proposed eating and drinking establishment may have to surrounding land uses and ensure that the use remains compatible with the surrounding community.

4. *The proximity of the other establishments selling alcoholic beverages for either off-site or on-site consumption.*

The location of the proposed establishment is in close proximity to several establishments with alcohol licenses in Balboa Village including the Bal-Harbor Liquor and Deli, Shore House Café, BJ's, the Balboa Inn, Class of '47, and Cabo Cantina among others. The RD12 statistics indicate an over concentration of alcohol licenses within this statistical area.

Reporting District	Active ABC License	Per Capita
RD No. 12	35	1 per 51 residents
RD No. 13	6	1 per 321 residents
RD No. 15	80	1 per 38 residents
County-wide	5,589	1 per 542 residents

The per capita ratio of one(1) license for every 51 residents is higher than one(1) adjacent district and the average ratio for Orange County. This is due to the higher concentration of commercial land uses and lower number of residential properties in the Balboa Village district. While the proposed establishment is located in close proximity to other establishments selling alcoholic beverages, the physical and operational characteristics of the proposed establishment would make the service of alcoholic beverages appropriate at this location.

5. *Whether or not the proposed amendment will resolve any current objectionable conditions.*

The existing commercial building has been vacant for approximately nine months and the proposed entitlement will help to alleviate this existing objectionable condition. The subject property is developed with an abandoned fountain, curb, and bollards within the rear alley setback. The draft resolution has been conditioned to require the removal of these features to improve alley access to the rear of the subject property.

Adding alcohol service to the menu will compliment the food service and provide for the convenience of customers. The Police Department has no objections to the operation as proposed given the proposed hours of operation, license type, and overall size of the use. Refer to Attachment No. PC 5 for a copy of the Police Department Recommendation. The draft resolution has been conditioned to limit objectionable conditions due to noise and trash at the establishment. All employees serving alcohol will be required to be at least 21 years of age and receive ABC-required Licensee Education on Alcohol and Drugs (LEAD) training. Approval of this application will require the operator to obtain an Operator License pursuant to Chapter 5.25 of the Municipal

Code. The Operator License should provide for enhanced control of noise, loitering, litter, disorderly conduct, parking/circulation and other potential disturbances resulting from the establishment, and will provide the Police Department with means to modify, suspend, or revoke the operator's ability to maintain late-hour operations.

Parking Requirement

The interior net public area proposed is 2,040 square feet, and the Zoning Code allows outdoor dining areas up to 25 percent of the interior net public area without an increase in the parking requirement. The applicant would like to utilize the existing outdoor area, which is 600 square feet in area. Therefore, 510 square feet (25 percent) of the outdoor dining patio do not require additional parking. The remaining 90 square feet will need to be parked at the same rate as the interior net public area.

Under the current Zoning Code, the subject establishment requires one(1) parking space for every 30-50 square feet of net public area, so the requirement is between 43 and 71 parking spaces for the interior dining area. No on-site parking is provided; therefore, there will be a deficiency of between 43 and 71 parking spaces.

The original use permit, UP2045, and its subsequent amendments were approved with a parking rate of one(1) per 40 square feet of net public area. Section 20.40.060 (Parking Requirements for Food Service Uses) requires an analysis of the physical design characteristics, operational characteristics, and location of the establishment in order to determine the appropriate parking rate for a food service use. A list of these considerations is provided in Attachment No. PC 6. The proposed application is distinguished by the following physical, operational, and location characteristics:

- The floor plan provides a bar area with counter space and alcohol service
- Seating includes 11 bar stools, 72 interior seats, and 28 seats on the patio
- Live entertainment and dancing are not proposed
- No on-site parking is provided
- The subject property is located in a relatively dense village area with multiple uses within a short distance of each other. The Balboa Village district is conducive to a significant amount of walk-in patrons. The area experiences a parking shortage in the day time during the summer months.

Based on the operational characteristics, physical, and location characteristics of the establishment, staff is recommending a parking requirement of one(1) parking space for every 40 square feet of net public area. At the recommended rate of one(1) parking space per 40 square feet of net public area, 51 parking spaces are required to accommodate the interior net public area and three(3) additional parking spaces are required to accommodate the outdoor dining patio. The total number of required parking spaces is 54. A credit of one(1) parking space per 250 square feet of gross floor area is granted based on the existing nonconforming retail use, which results in a credit of 22

parking spaces. Thus, a reduction in the off-street parking requirement of 32 parking spaces is necessary to permit the proposed restaurant.

Parking Management in Balboa Village

The establishment of an entrance node to the Village at Palm Street has been identified as an objective to accommodate better access to and through the district. Since the intersection of Palm and East Balboa Boulevard is the primary entrance into beach parking, the new restaurant at this location would help to establish this intersection as a focal point, solidify the character of the area, and provide a compatible commercial use adjacent to East Balboa Boulevard.

The City contracted with Walker Parking Consultants to conduct a series of studies to develop parking management strategies for six(6) commercial areas, including Balboa Village. The goal is to develop parking management plans that will provide adequate, convenient parking for residents, guests, business patrons, and visitors. Field surveys of parking were conducted in Balboa Village by Walker Parking on July 24 and July 26, 2008. Peak summer off-street parking occupancy in Balboa Village ranged from 62 percent on weekdays to 97 percent on weekends. A study of Walker Parking Consultant's findings was prepared for the City on April 3, 2009. In Scenario 2 of the study, the conversion of 20,000 square feet of existing retail uses converted into three(3) 6,667-square-foot restaurants was analyzed. In the study, the peak demand for a fine dining restaurant or casual dining restaurant with a bar, as currently proposed under the subject application, occurred at 8:00 p.m. as beach demand is diminishing. This peak demand period creates an offset period of parking demand between retail, office, and beach uses (peaking at midday) and restaurant and residential uses in Balboa Village, which peak in the evening hours. Existing parking would be able to accommodate the weekday demand for parking in Balboa Village with a new restaurant use. However, additional parking spaces may be needed for the proposed use to meet the demand for more parking on a summer weekend.

The parking management plan is necessary to mitigate impacts associated with a reduction in the number of required parking spaces. A draft parking management program is provided by the applicant as Attachment No. PC 7. In accordance with Section 20.40.110 (Adjustments to Off-Street Parking Requirements), the Planning Commission must also consider whether sufficient data is provided to indicate that parking demand will be less than the required number of spaces or that other parking is available (e.g. City parking lot located nearby, on-street parking available, greater than normal walk-in trade, mixed-use development) in conjunction with a parking management program. The following conditions are applicable to the proposed project, which reduce the overall parking demand of the proposed restaurant:

- *Captive Market.* Land uses in Balboa Village that are within close proximity of one another generate the opportunity for shared trips. While staff does not want

to encourage the use of public parking for private use, Balboa Village does contain on-street parking and two nearby municipal lots that serve the many uses within the vicinity of the subject property.

- *Different Peak Periods.* The Parking Management Program provides details regarding the peak demand for the proposed use in relation to surrounding residential, retail, office, and beach uses. The proposed use will be offset from retail, office, and beach uses, which peak during the noon hour. The proposed use will coincide with peak demand for residential use of public parking, which peak during the evening hours. However, the Balboa Village area offers sufficient public parking to accommodate both residential and restaurant uses during the evening hours. The only potential impact between uses may occur on weekend days during the summer season when demand for parking is at its greatest; However, the use will serve these visitors, thereby not always generating a new trip.
- *Promoting pedestrian and bicycle access to the subject property to limit the impact on off-street parking.* The Balboa Village district is characterized by a higher level of pedestrian and bicycle traffic.
- *Parking Passes.* The payment of parking passes for the proposed use would help to offset the additional demand created by the new restaurant use. The additional funds would be contributed toward the parking fund, which over time could then be used to create additional public parking. The applicant proposes to purchase parking permits on an annual basis for all employees to use the nearby municipal lot. Information on annual parking passes is included as Attachment No. PC 8.

In a dense commercial environment with multiple uses within close proximity, each building may not need a full supply of parking. The location of land uses within walking distance of one another generates the opportunity for shared trips and there is a significant component of walk-in patronage from nearby residential areas. The proposed restaurant use would be compatible with the surrounding uses and parking demand would be lower due to shared trips.

In conclusion, the proposed restaurant use is consistent with the City's goals and objectives for the Balboa Village district. Staff recommends the approval of the subject application and the reduction of the required off-street parking in conjunction with a condition of approval requiring payment of annual parking passes for all employees to utilize the Balboa Pier parking lot.

Traffic

The proposed project is anticipated to generate 422 daily trips. A project is exempt from the Traffic Phasing Ordinance if any project, during any morning or evening peak hour

period, does not increase trips by one(1) percent or more on any leg of a primary intersection. Based on data provided by the project applicant to the Public Works Department, the proposed project does not increase trips by one(1) percent or more and a traffic study was not required.

Use Permit Findings

In accordance with Section 20.48.030 (Alcohol Sales), the Planning Commission must make the following finding for approval of a new alcoholic beverage license:

- 1. The use is consistent with the purpose and intent of Section 20.48.030 (Alcohol Sales of the Zoning Code).*

The project application has been conditioned and will be subject to an Operator License administered by the Police Department to prevent alcohol-related problems and ensure that the restaurant remains a bona fide eating establishment. The hours of operation will minimize the potential effects of noise on neighboring residents to preserve the health and safety for residents and other businesses in the neighborhood.

In accordance with Section 20.52.020 (Conditional Use Permits and Minor Use Permits), the Planning Commission must also make the following findings for approval of a conditional use permit:

- 1. The use is consistent with the General Plan and any applicable specific plan.*
- 2. The use is allowed within the applicable zoning district and complies with all other applicable provisions of the Zoning Code and the Municipal Code.*
- 3. The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity.*
- 4. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities.*
- 5. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*

The proposed use is consistent with the General Plan, Local Coastal Program Coastal Land Use Plan, and Zoning Code.

The draft resolution has been conditioned to limit objectionable conditions due to noise, trash, and deliveries at the establishment. The hours of operation are compatible with

uses in the area and the closing hours will ensure the establishment staggers its closing hours with local bars and lounges in the vicinity. The restaurant does not propose live entertainment or dancing thereby reducing the probability for the establishment to evolve into a nightclub.

The restaurant's location, in the heart of a commercial area within Balboa Village, is appropriate for an operation with extended hours of operation and alcohol service. Alcohol service will be provided as a convenience to the public and the restaurant provides additional choice for visitors. The reopening of the restaurant would reintroduce some nuisance issues attributable to deliveries, parking, and late hours. However, staff is recommending approval given that the site was a restaurant and it retains the infrastructure for a restaurant.

Summary and Alternatives

Staff believes the findings for approval can be made and the facts in support of the required findings are presented in the draft resolution (Attachment No. PC 1). The following alternatives are available to the Planning Commission should they feel the facts are not in evidence of support for the project application:

1. The Planning Commission may suggest specific operational changes that are necessary to alleviate any concerns. If any additional requested changes are substantial, the item could be continued to a future meeting. Should the Planning Commission choose to do so, staff will return with a revised resolution incorporating new findings and/or conditions.
2. If the Planning Commission believes that there are insufficient facts to support the findings for approval, the Planning Commission should deny the application and provide facts in support of denial to be included in the attached draft resolution for denial (Attachment No. PC 2.)

Environmental Review

The project is categorically exempt under Section 15301, of the California Environmental Quality Act (CEQA) Guidelines - Class 1 (Existing Facilities). The Class 1 exemption includes the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use.

The proposed project involves the reestablishment of a restaurant with an accessory outdoor dining patio and office within an existing structure. Therefore, the interior use, outdoor dining patio, and office qualify for a categorical exemption under Class 1.

If denied, projects which a public agency rejects or disapproves are not subject to the California Environmental Quality Act ("CEQA") review, pursuant to Section 15270 of the CEQA Guidelines.

Public Notice

Notice of this hearing was published in the Daily Pilot, mailed to property owners within 300 feet of the property and posted at the site a minimum of 10 days in advance of this hearing consistent with the Municipal Code. Additionally, the item appeared upon the agenda for this meeting, which was posted at City Hall and on the City website.

Prepared by:


Makana Nova, Assistant Planner

Submitted by:


Gregg Ramirez, Senior Planner

ATTACHMENTS

- PC 1 Draft Resolution for Approval with Findings and Conditions
- PC 2 Draft Resolution for Denial
- PC 3 Newport Beach Reporting Districts
- PC 4 Alcohol Related Statistics
- PC 5 Police Department Recommendation
- PC 6 Zoning Code Section 20.40.060 (Parking Requirements for Food Service Uses)
- PC 7 Parking Management Program
- PC 8 Annual Parking Permit Information
- PC 9 Applicant's Project Description
- PC 10 Site Photos
- PC 11 Public Comment: Letter of Opposition
- PC 12 Project plans

Attachment No. PC 1

Draft Resolution with Findings and Conditions

RESOLUTION NO. ####

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH APPROVING USE PERMIT NO. UP2011-012 FOR AN EATING AND DRINKING ESTABLISHMENT LOCATED AT 111 PALM STREET (PA2011-062)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Lone Oak Newport, LLC, with respect to property located at 111 Palm Street, and legally described as Lot 7 and 8, Block 6, Tract 104, Balboa Tract, shown as Parcel 1 of Resub. 713, PM-189_17-18 requesting approval of a use permit.
2. The applicant proposes a conditional use permit to allow an eating and drinking establishment with late hours, an outdoor dining patio, a second floor office area, and a Type 47 (On-Sale General) alcoholic beverage license. The requested hours of operation are from 6:00 a.m. to 12:00 midnight, Sunday through Thursday, and 6:00 a.m. to 1:00 a.m., Friday and Saturday. The requested hours of operation for the outdoor dining patio are from 6:00 a.m. to 10:00 p.m., Sunday through Thursday, and 6:00 a.m. to 11:00 p.m., Friday and Saturday. Conditional use permit approval is also necessary to reduce the required 32 additional parking spaces through the approval of a parking management program because the subject property does not provide on-site parking.
3. The subject property is located within the Mixed-Use Vertical (MU-V) Zoning District and the General Plan Land Use Element category is Mixed-Use Vertical (MU-V).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Mixed-Use Vertical (MU-V).
5. A public hearing was held on July 7, 2011 in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt under the requirements of the California Environmental Quality Act under Class 1 (Existing Facilities).
2. The Class 1 exemption includes the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures,

facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use. The proposed project involves the reestablishment of a restaurant with an accessory outdoor dining patio and office within an existing structure. Therefore, the interior use, outdoor dining patio, and office qualify for a categorical exemption under Class 1.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.48.030 (Alcohol Sales), the Planning Commission must make the following finding for approval of a new alcoholic beverage license:

Finding:

- A. *The use is consistent with the purpose and intent of Section 20.48.030 (Alcohol Sales of the Zoning Code).*

Facts in Support of Finding:

- A-1. The project has been reviewed and conditioned to ensure that the purpose and intent of Section 20.48.030 (Alcohol Sales) of the Zoning Code is maintained and that a healthy environment for residents and businesses is preserved. Alcohol service is intended for the convenience of customers dining at the restaurant. Operational conditions of approval recommended by the Police Department relative to the sale of alcoholic beverages including an Operator License will ensure compatibility with the surrounding uses and minimize alcohol related impacts.
- A-2. The subject property is located in an area with a significant variety of land uses including commercial, retail, residential, and coastal resources. The business hours, operational characteristics, and floor plan have been limited so as to maintain the compatibility of the proposed use with surrounding land uses.

In accordance with Section 20.52.050.F (Use Permit, Required Findings) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

- B. *The use is consistent with the General Plan and any applicable specific plan.*

Facts in Support of Finding:

- B-1. The General Plan land use designation for this site is MU-V (Mixed-Use Vertical). The MU-V designation is intended to provide for the development of properties for mixed-use structures that vertically integrate housing with retail uses including retail, office, restaurant, and similar nonresidential uses. For mixed-use structures, commercial uses characterized by noise, vibration, odors, or other activities that would adversely impact on-site residential units are prohibited. Sites may also be developed exclusively

for retail or office uses in accordance with the CN, CC, CG, or CO-G designations. The proposed eating and drinking establishment, which is the sole occupant of the subject property is consistent with these land use designations. Restaurant uses can be expected to be found in this area and similar locations and are complementary to the surrounding commercial and residential uses.

- B-2. Inasmuch as the proposed application will not result in an increase in the floor area ratio, the project is consistent with the Land Use element. Land Use Policy LU6.13.5 (Rebuilding of Non-Conforming Structures) of the General Plan states that one of the goals for the Balboa Village district is to allow existing nonconforming structures to remain, "Permit existing commercial buildings that exceed the permitted development intensities to be renovated, upgraded, or reconstructed to their preexisting intensity and, at a minimum, number of parking spaces." The project is consistent with this policy and would allow for the reuse of the existing art-deco building, thus maintaining the character of the district.
- B-3. Eating and drinking establishments are common in the vicinity along the Balboa Peninsula and are frequented by visitors and residents alike. The establishment is compatible with the land uses permitted within the surrounding neighborhood. The new establishment will improve and revitalize the existing retail building and the surrounding neighborhood.
- B-4. The subject property is not part of a specific plan area.

Finding:

- C. *The use is allowed within the applicable zoning district and complies with all other applicable provisions of the Zoning Code and the Municipal Code.*

Facts in Support of Finding:

- C-1. The site is located in the MU-V (Mixed-Use Vertical) Zoning District. The MU-V zoning district is intended to provide for areas appropriate for the development of mixed-use structures that vertically integrate residential dwelling units above the ground floor with retail uses including office, restaurant, retail, and similar nonresidential uses located on the ground floor or above. The proposed eating and drinking establishment with alcohol service, an outdoor patio, and a second floor office is consistent with land uses permitted by the MU-V Zoning District.
- C-2. The subject property does not provide on-site parking but the proposed use is identified as a short-term objective for this particular intersection within Balboa Village to provide a focal point for entry into the district. The payment of annual parking passes for all employees of the establishment will help off-set the costs of providing public parking for multiple uses in the district and create revenue for the maintenance and creation of additional parking for the district.

Finding:

- D. *The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity.*

Facts in Support of Finding:

- D-1. The operation of the restaurant will be restricted to the hours between 10:00 a.m. and 12:00 midnight, daily. The closing hour varies from other late night restaurants and bars in the area and this will assist the Police Department with control over public areas in the district during the late night hours.
- D-2. A restaurant has been operated in this location from 1962 to 1998 pursuant to Use Permit No. 876 and Use Permit No. UP2045.
- D-3. The floor plan provides a bar area with counter space, 11 bar stools, and alcohol service. Tables are provided to accommodate 72 seats indoors and 28 seats on the outdoor dining patio. Live entertainment and dancing are not proposed and no on-site parking is provided at the subject property. The commercial building is previously developed with the infrastructure to accommodate a restaurant use.
- D-4. The project includes conditions of approval to ensure that potential conflicts are minimized to the greatest extent possible. Although the restaurant is located approximately 10 feet from residential properties across the alley to the south, the building is oriented toward Balboa Boulevard and Palm Street away from the nearby residences. The use permit has been conditioned to require the outdoor patio area to be closed by 10:00 p.m., daily, to reduce noise impacts to nearby residents. Restaurant activity will be shielded from the residential uses to the south, west, and across East Balboa Boulevard. The applicant is also required to control trash and litter around the subject property.
- D-5. The operational conditions of approval recommended by the Police Department relative to the sale of alcoholic beverages, including an Operator License, will ensure compatibility with the surrounding uses and minimize alcohol related impacts. The project has been conditioned to ensure the welfare of the surrounding community so that the business remains a restaurant and does not become a bar or nightclub as defined by the Zoning Code.
- D-5. The applicant is required to install a grease interceptor, provide a wash-out area that drains to the sewer line, obtain Health Department approval prior to opening for business, and comply with the California Building Code to ensure the safety and welfare of customers and employees within the establishment.
- D-6. The subject property is located in a relatively dense village area with multiple uses within a short distance of each other. The Balboa Village district is conducive to a significant amount of walk-in patrons. The area experiences parking problems in the day time during the summer months. Two municipal parking lots and on-street parking is

available in the Balboa Village district to accommodate the proposed use in the off-season months. The payment of annual parking passes for all employees will help to alleviate added costs for maintenance and demand on the Balboa Pier Main Lot.

Finding:

- E. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities.*

Facts in Support of Finding:

- E-1. The project site is located within an existing commercial building and the tenant space is designed and developed for an eating and drinking establishment. The design, size, location, and operating characteristics of the use are compatible with the surrounding neighborhood. The existing tenant space on the subject property has historically been utilized as a restaurant.
- E-2. Adequate public and emergency vehicle access, public services, and utilities are provided to the subject property. Any additional utilities upgrades required for the change in occupancy will be required at plan check and have been included in the conditions of approval.
- E-3. The tenant improvements to the project site will comply with all Building, Public Works, and Fire Codes. All ordinances of the City and all conditions of approval will be complied with.

Finding:

- F. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*

Facts in Support of Finding:

- F-1. The project has been reviewed and includes conditions of approval to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible. The operator is required to take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks and areas surrounding the subject property and adjacent properties during business hours, if directly related to the patrons of the establishment. The closing hours for the outdoor dining patio will limit the exterior noise to the surrounding residents.
- F-2. The eating and drinking establishment will serve the surrounding residential community. The proposed establishment will provide dining services as a public convenience to the surrounding neighborhood. This will revitalize the project site and

provide an economic opportunity for the property owner to update the retail tenant and service, which best serve the quality of life for the surrounding residential community.

- F-3. The proposed use is located in a district which is subject to a captive market that results in shared trips, different peak periods for a variety of land uses, and a high level of pedestrian and bicycle activity. These characteristics reduce the demand of the proposed eating and drinking establishment and the number of parking spaces required to serve the proposed use. Adequate parking is provided in the nearby municipal lots in the off-season months and summer weekdays to accommodate the proposed use.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning Commission of the City of Newport Beach hereby approves Use Permit No. UP2011-012, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.
3. This resolution supersedes Use Permit No. UP876 and Use Permit No. UP2045, which upon vesting of the rights authorized by this use permit, shall become null and void.

PASSED, APPROVED AND ADOPTED THIS 7th DAY OF JULY, 2011.

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: _____, Chairman

BY: _____, Secretary

EXHIBIT "A"

CONDITIONS OF APPROVAL
(Project-specific conditions are in italics)

PLANNING

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. Use Permit No. UP2011-012 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 of the Newport Beach Municipal Code, unless an extension is otherwise granted.
3. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
4. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.
5. This approval was based on the particulars of the individual case and does not in and of itself or in combination with other approvals in the vicinity or Citywide constitute a precedent for future approvals or decisions.
6. This Use Permit may be modified or revoked by the City Council or Planning Commission should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
7. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require an amendment to this Use Permit or the processing of a new Use Permit.
8. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
9. Prior to the issuance of a building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
10. A copy of this approval letter shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.

11. Prior to issuance of building permits, the applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the Modification Permit file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Modification Permit and shall highlight the approved elements such that they are readily discernible from other elements of the plans.
12. *Prior to the issuance of building permits, Fair Share Traffic Fees shall be paid for the change from general commercial to restaurant use in accordance with Chapter 15.38 of the Newport Beach Municipal Code. The applicant shall be credited for the reduction in general commercial square footage and the remaining balance shall be charged or credited to the applicant.*
13. *The applicant or operator of the facility shall purchase parking permits for all employees on an annual basis for the Balboa Pier Main Lot, and shall direct employees to park in said parking lot.*
14. *Prior to issuance of building permits, approval from the California Coastal Commission shall be required.*
15. *The hours of operation for the interior of the restaurant shall be limited between 6:00 a.m. and 12:00 midnight, daily. The hours of operation for the outdoor dining patio shall be limited between 6:00 a.m. and 10:00 p.m., daily.*
16. *That the "net public area" of the restaurant shall not exceed 2,040 square feet for the interior of the subject restaurant facility. A maximum of 83 seats shall be provided within the interior of the establishment.*
17. *The accessory outdoor dining shall be used only in conjunction with the related adjacent establishment. The outdoor dining patio shall be limited to 600 square feet in area and provide seating for 28 persons maximum.*
18. *The seating and dining in the outdoor area shall be limited to dining table height (approximately 30 inches) and table surface area of 24 inches by 30 inches minimum. The use of elevated counters, tables, and barstools are prohibited in the outdoor dining area.*
19. *The height of the boundary wall of the accessory outdoor dining area shall be marked on the approved plans. Fences, walls, or similar barriers shall serve only to define the outdoor dining area and not constitute a permanent all weather enclosure.*
20. *The installation of roof coverings in addition to the proposed fabric awning shall not have the effect of creating a permanent enclosure. The use of umbrellas for shade purposes shall be permitted. The use of any other type of overhead covering shall be*

subject to review and approval by the Community Development Director and may require an amendment to this permit.

21. The material and color of any awning or umbrella located on the outdoor dining/patio areas shall be subject to review and approval by the Planning Division. No form of advertisement shall be placed on an awning, umbrella or elsewhere in the outdoor patio dining areas. The outdoor patio dining areas, including any awning or umbrella, shall be maintained in a clean orderly condition at all times.
22. There shall be no exterior advertising or signs of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
23. All proposed signs shall be in conformance with any approved Comprehensive Sign Program for the project site and provisions of Chapter 20.67 of the Newport Beach Municipal Code.
24. That no temporary "sandwich" signs shall be permitted, either on-site or off-site, to advertise the restaurant facility. Temporary signs shall be prohibited in the public right-of-way unless otherwise approved by the Public Works Department in conjunction with the issuance of an encroachment permit or encroachment agreement.
25. All lighting shall conform with the standards of Section 20.30.070 (Outdoor Lighting). The Community Development Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
26. The operator of the facility shall be responsible for the control of noise generated by the subject facility including, but not limited to, noise generated by patrons, food service operations, and mechanical equipment. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 and other applicable noise control requirements of the Newport Beach Municipal Code. Pre-recorded music may be played in the tenant space, provided exterior noise levels outlined below are not exceeded. The noise generated by the proposed use shall comply with the provisions of Chapter 10.26 of the Newport Beach Municipal Code. The maximum noise shall be limited to no more than depicted below for the specified time period unless the ambient noise level is higher:

	Between the hours of 7:00 a.m. and 10:00 p.m.		Between the hours of 10:00 p.m. and 7:00 a.m.	
	<u>interior</u>	<u>exterior</u>	<u>interior</u>	<u>exterior</u>
Measured at the property line of commercially zoned property:	N/A	65 dBA	N/A	60 dBA
Measured at the property line of residentially zoned property:	N/A	60 dBA	N/A	50 dBA
Residential property:	45 dBA	55 dBA	40 dBA	50 dBA

27. That no outdoor sound system, loudspeakers, or paging system shall be permitted in conjunction with the restaurant facility.
28. Construction activities shall comply with Section 10.28.040 of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday and 8:00 a.m. and 6:00 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.
29. *All trash shall be stored within the building, except when placed for pick-up by refuse collection agencies. The applicant shall ensure that the trash dumpsters and/or receptacles are maintained to control odors. This may include the provision of either fully self-contained dumpsters or periodic steam cleaning of the dumpsters, if deemed necessary by the Planning Division. Cleaning and maintenance of trash dumpsters shall be done in compliance with the provisions of Title 14, including all future amendments (including Water Quality related requirements).*
30. Trash receptacles for patrons shall be conveniently located inside of the establishment. The exterior of the business shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
31. Prior to final of the building permits, the applicant shall prepare and submit a practical program for controlling litter, spills, and stains resulting from the use on the site and adjacent areas to the Planning Division for review. The building permit shall not be finalized and use cannot be implemented until that program is approved. The program shall include a detailed time frame for the policing and cleanup of the public sidewalk and right-of-way in front of the subject property as well as the adjacent public right-of-way (25 feet north and south of the subject property) not just in front of the subject tenant space. Failure to comply with that program shall be considered a violation of the use permit and shall be subject to administrative remedy in accordance with Chapter 1.05 of the Newport Beach Municipal Code that includes issuance of a citation of violation and monetary fines.
32. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10:00 p.m. and 8:00 a.m., daily, unless otherwise approved by the Community Development Director, and may require an amendment to this Use Permit.
33. Storage outside of the building in the front or at the rear of the property shall be prohibited, with the exception of the trash container on pick-up days.
34. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of

every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the **Restaurant Conditional Use Permit** including, but not limited to, the **Use Permit No. UP2011-012**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Police Department Conditions

35. The approval is only for the establishment of an eating and drinking establishment as defined by Title 20 of the Municipal Code, with the principal purpose for the sale or service of food and beverages with sale and service of alcoholic beverages incidental to the food use.
36. The type of alcoholic beverage license issued by the California Board of Alcoholic Beverage Control shall be a Type 47 (On-Sale General) in conjunction with the service of food as the principal use of the facility. Any upgrade in the alcoholic beverage license shall be subject to the approval of an amendment to this application and may require the approval of the Planning Commission.
37. *The operator of the establishment shall secure and maintain an Operator License pursuant to Chapter 5.25 of the Municipal Code. In no case shall the establishment be permitted to operate beyond the hours of 12:00 a.m.*
38. *The Operator License required to be obtained pursuant to Chapter 5.25 of the Municipal Code, may be subject to additional and/or more restrictive conditions such as a security plan to regulate and control potential late-hour nuisances associated with the operation of the establishment.*
39. *Approval does not permit the premises to operate as a bar, tavern, cocktail lounge, or nightclub as defined by the Newport Beach Municipal Code.*
40. *No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.*
41. *Food service from the regular menu shall be available to patrons up to thirty (30) minutes before the scheduled closing time.*
42. *Food from the full service menu must be made available during any "happy hour" type of reduced price alcoholic beverage promotion. There shall be no reduced price alcoholic beverage promotion after 9:00 p.m.*
43. *There shall be no live entertainment or dancing allowed on the premises.*

44. *Petitioner shall not share any profits or pay any percentage or commission to a promoter or any other person based upon monies collected as a door charge, cover charge, or any other form of admission charge, including minimum drink orders or the sale of drinks.*
45. *Any event or activity staged by an outside promoter or entity, where the applicant, operator, owner or his employees or representatives share in any profits, or pay any percentage or commission to a promoter or any other person based upon money collected as a door charge, cover charge or any other form of admission charge is prohibited.*
46. *The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records, which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. These records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department on demand.*
47. *There shall be no on-site radio, televisions, video, film, or other electronic media broadcasts, including recordings to be broadcasted at a later time, which include the service of alcoholic beverages, without first obtaining an approved Special Event Permit issued by the City of Newport Beach.*
48. *No games or contests requiring or involving the consumption of alcoholic beverages shall be permitted.*
49. *A Special Events Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.*
50. *All owners, managers and employees selling alcoholic beverages shall undergo and successfully complete a certified training program in responsible methods and skills for selling alcoholic beverages. The certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service or other certifying/licensing body, which the State may designate. The establishment shall comply with the requirements of this section within 180 days of the issuance of the certificate of occupancy. Records of each owner's, manager's and employee's successful completion of the required certified training program shall be maintained on the premises and shall be presented upon request by a representative of the City of Newport Beach.*

Fire Department Conditions

51. *Exit hardware for outdoor dining patio shall comply with California Building Code Section 1008.*

- 52. *With an occupant load of 50 or more persons, the requirements for an Assembly in C.B.C. Section 1028 will need to be met.*
- 53. *A fire suppression system will be required for cooking which involves the production of grease laden vapors.*
- 54. *Fire extinguishers will be required for the restaurant, offices upstairs, and a type-K for the cooking area.*
- 55. *Illuminated exit signs will be required. Emergency power shall be provided for a duration of not less than 90 minutes.*
- 56. *Requirements for wall and ceiling finishes and decorative material must be met from the C.B.C. Section 803 and 806.*

Building Division Conditions

- 57. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. A building permit is required to allow the change in use to an eating and drinking establishment. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements. Complete sets of drawings including architectural, electrical, mechanical, and plumbing plans shall be required at plan check.
- 58. Approval from the Orange County Health Department is required prior to the issuance of a building permit.
- 59. *Strict adherence to maximum occupancy limits is required.*
- 60. Public sanitation facilities shall be available to the general public (patrons) during regular business hours of the operation, unless otherwise approved by the Building Division.
- 61. *If required, a grease interceptor shall be installed prior to the establishment opening for business to the satisfaction of the Building Division.*
- 62. *A covered wash-out area for refuse containers and kitchen equipment, with minimum useable area dimensions of 36-inches wide, 36-inches deep and 72-inches high, shall be provided, and the area shall drain directly into the sewer system, unless otherwise approved by the Building Director and Public Works Director in conjunction with the approval of an alternate drainage plan.*
- 63. The applicant shall provide a Type I hood with a kitchen suppression system for cooking equipment.

64. Kitchen exhaust fans shall be installed/maintained in accordance with the California Mechanical Code. A permit from the South Coast Air Quality Management District shall be obtained for the control of smoke and odor.
65. Portable propane heaters shall be prohibited on the outdoor patio. Natural gas or electric heaters are allowed if installed per their listing and the California Electrical or Plumbing Code.
66. The rear doors of the facility shall remain closed at all times. The use of the rear door shall be limited to deliveries and employee use only. Ingress and egress by patrons is prohibited unless there is an emergency. All exits shall remain free of obstructions and available for ingress and egress at all times.

Public Works Conditions

67. *The fountain, curb, and bollards within the rear alley setback shall be removed to improve alley access.*
68. County Sanitation District fees shall be paid prior to the issuance of any building permits.

Utilities Conditions

69. *The applicant is responsible for all upgrades to the City's utilities as required to fulfill the project's demand.*
70. *New and existing domestic water services shall be protected by a USC approved reduced pressure backflow assembly and installed per STD-520-L-A.*
71. *New and existing irrigation services shall be protected by a dedicated USC approved reduced pressure backflow assembly and installed per STD-520-L-A.*
72. *New and existing fire services shall be protected by a USC approved double check detector assembly and installed per STD-517-L.*
73. *New sewer laterals and cleanouts shall be installed per STD-406-L.*

Attachment No. PC 2

Draft Resolution for Denial

RESOLUTION NO. ####

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH DENYING USE PERMIT NO. UP2011-012 FOR AN EATING AND DRINKING ESTABLISHMENT LOCATED AT 111 PALM STREET (PA2011-062)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Lone Oak Newport, LLC, with respect to property located at 111 Palm Street, and legally described as Lot 7 and 8, Block 6, Tract 104, Balboa Tract, shown as Parcel 1 of Resub. 713, PM-189_17-18 requesting approval of a use permit.
2. The applicant proposes a conditional use permit to allow an eating and drinking establishment with late hours, an outdoor dining patio, a second floor office area, and a Type 47 (On-Sale General) alcoholic beverage license. The requested hours of operation are from 6:00 a.m. to 12:00 midnight, Sunday through Thursday, and 6:00 a.m. to 1:00 a.m., Friday and Saturday. The requested hours of operation for the outdoor dining patio are from 6:00 a.m. to 10:00 p.m., Sunday through Thursday, and 6:00 a.m. to 11:00 p.m., Friday and Saturday. Conditional use permit approval is also necessary to reduce the required 32 additional parking spaces through the approval of a parking management program because the subject property does not provide on-site parking.
3. The subject property is located within the Mixed-Use Vertical (MU-V) Zoning District and the General Plan Land Use Element category is Mixed-Use Vertical (MU-V).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Mixed-Use Vertical (MU-V).
5. A public hearing was held on July 7, 2011 in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. Pursuant to Section 15270 of the California Environmental Quality Act (CEQA) Guidelines, projects which a public agency rejects or disapproves are not subject to CEQA review.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.020.F (Findings and Decision) of the Zoning Code, eating and drinking establishments classified as "Food Service, Late Hours" located within the MU-V (Mixed-Use Vertical) Zoning District require the approval of a conditional use permit. The Planning Commission may approve a conditional use permit only after making each of the five required findings set forth in Section 20.52.020.F. In this case, the Planning Commission was unable to make the required findings based upon the following:

1. The Planning Commission determined, in this case, that the proposed use permit for the eating and drinking establishment with late hours, a Type 47 alcohol license, outdoor dining patio, and second floor office is not consistent with the legislative intent of Title 20 of the NBMC. The addition of alcohol in an area that is already over concentrated with alcohol licenses may prove detrimental to the community.
2. Public convenience or necessity would not be served as a high number of commercial businesses in the district are already alcoholic beverage outlets. During the 2009 calendar year, there were 6,234 crimes reported citywide. Reporting District No. 12, which includes the project site, had a total of 143 reported crimes as compared to the citywide average for reporting districts of 152 reported crimes. This equates to 41 crimes more, or 27 percent above the citywide reporting district average. (NBMC Section 20.89.030.B.2).
3. The design, location, size, and operating characteristics of the use are not compatible with the allowed uses in the vicinity. The sound and lighting resulting from the outdoor dining patio would result in negative impacts to residents in the vicinity of the establishment. Residents of Balboa Village testified that noise emanating from the will disturb some them. The nuisance noise would be associated with the operating restaurant, outdoor patio, and includes activity around the surrounding municipal parking lot. The proposed hours for the outdoor dining patio will increase activity within the patio and on the project site. Additional nuisance noise associated with the increased activity will disturb residents of Balboa Village and would not be compatible with the quiet enjoyment of their residential property during the late evening and early morning hours.
4. Residential units are located within approximately 10 feet of the project site on and when ambient noise lowers as the evening progresses, nuisance noise associated with the restaurant can disturb nearby residents of Balboa Village.
5. The site is not physically suitable in terms of design, location, shape, size, operating characteristics. The property does not provide on-site parking to accommodate the proposed use. The Planning Commission does not consider the existing structure on the subject property a unique circumstance resulting in any necessity to warrant approval for a reduction in the off-site parking requirement through the approval of a parking management program.

6. The proposed conversion of an existing retail space to an eating and drinking establishment is neither required by code nor necessary for the enjoyment of the property. If desired, and as shown through previously approved building permits, the subject property can be utilized to comply with the requirements of the NBMC and be used for general commercial or retail uses.
7. The subject property is consistent in orientation, size and shape with typical lots in this neighborhood which are designed with commercial and mixed-use development. Although, the existing structure is currently developed with infrastructure for a restaurant, less parking than what the Zoning Code provides for could prove detrimental to the Balboa Village, which is considered one of the City's high impact parking areas. Parking is already deficient in this district. Operation of the use at the location proposed would be detrimental to the harmonious and orderly growth of the City.
8. Granting of the use permit would provide special privileges to the subject property as the City has required the minimum parking provided by the Zoning Code in similar circumstances with nonconforming commercial uses.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning Commission of the City of Newport Beach hereby denies Use Permit No. UP2011-012.
2. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 7th DAY OF JULY, 2011.

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: _____,
Chairman

BY: _____,
Secretary

Attachment No. PC 3

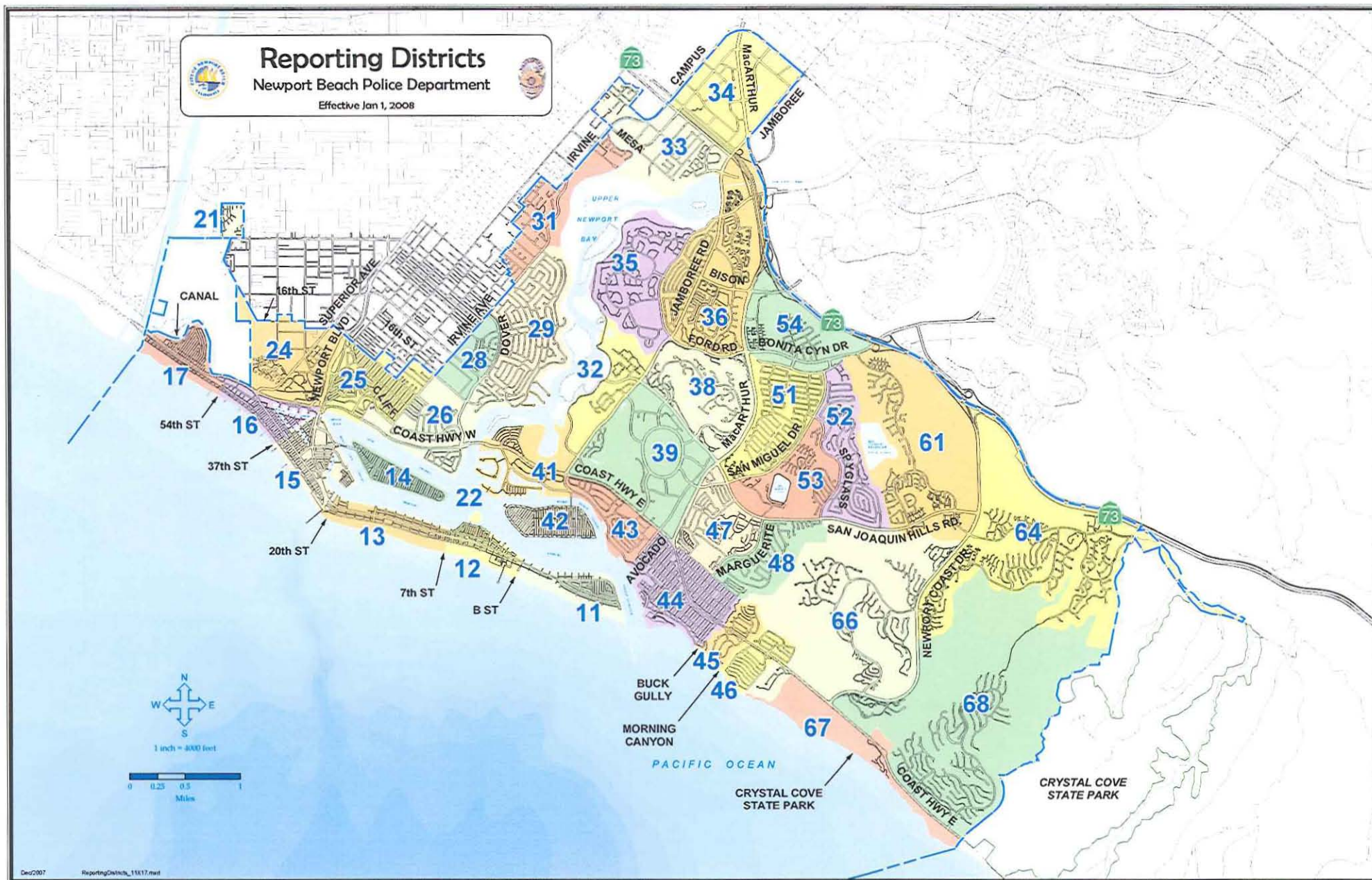
Newport Beach Reporting Districts

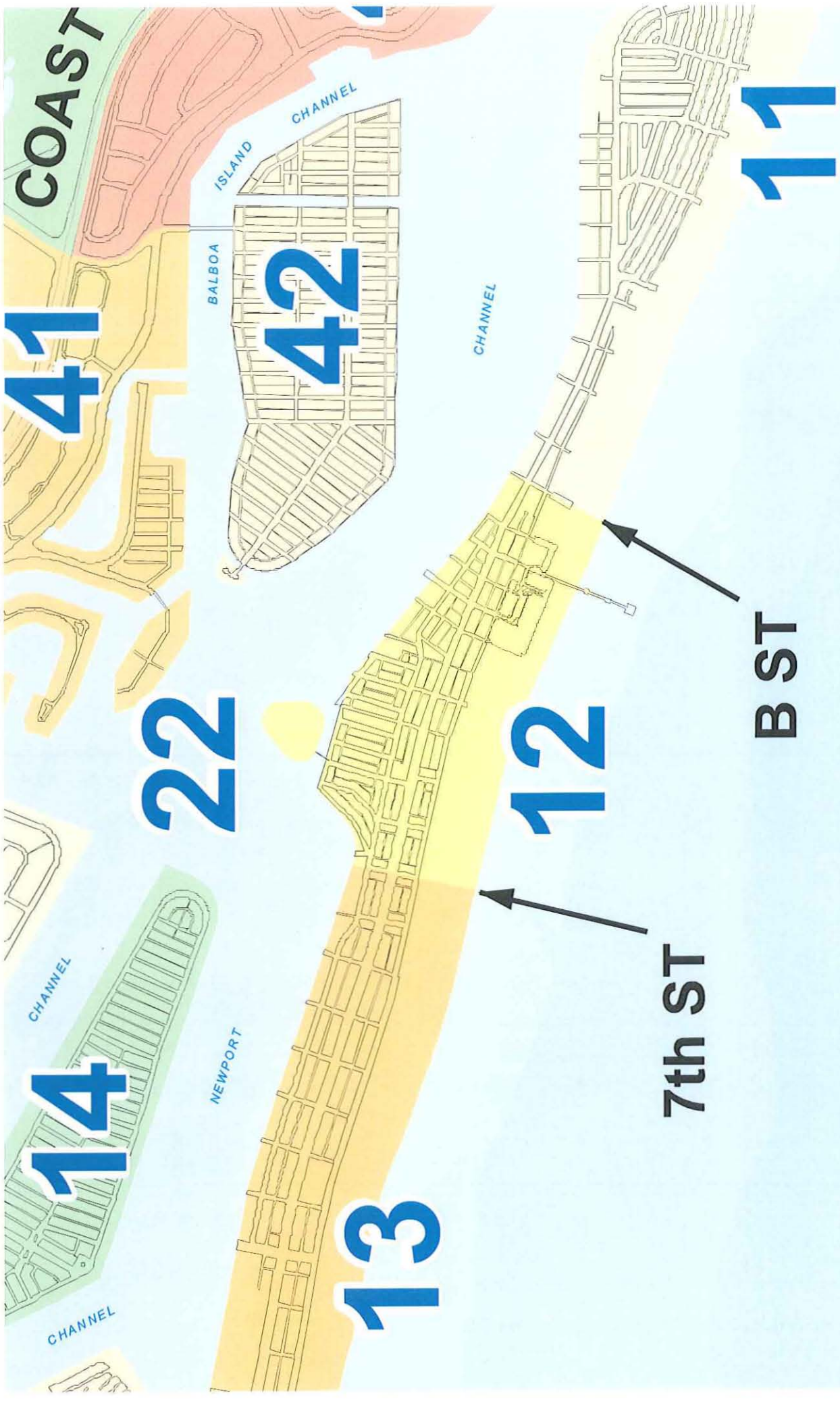


Reporting Districts

Newport Beach Police Department

Effective Jan 1, 2008





Attachment No. PC 4

Alcohol Related Statistics

C i t y o f N e w p o r t B e a c h
P o l i c e D e p a r t m e n t
M e m o r a n d u m

April 28, 2011

TO: Makana Nova, Assistant Planner

FROM: Paul Salenko, Crime Analyst

SUBJECT: Alcohol Related Statistics

At your request, our office has reviewed police services data for the **Lone Oak Newport, LLC** at **111 Palm Street**. This area encompasses our reporting district (RD) number **12** as well as part of Census Tract 628. This report reflects **City of Newport Beach** crime data for calendar year 2010, which is the most current data available.

Calls for Service Information

City wide there were approximately 65,807 calls for police services during this time, of which 2,358 were in **RD12**. A "call for service" is, *any contact of the police department by a citizen which results in the dispatching of a unit or causes the contacted employee to take some sort of action*, such as criminal investigations, alarm responses, traffic accidents, parking problems, and animal control calls, etc.

Crime Information

There were 5,845 crimes reported to the Newport Beach Police Department during this period. Of this total, 2,756 were Part One Crimes***. Part One crimes are the eight most serious crimes (*Homicide, forcible Rape, Robbery, Aggravated Assault, Burglary, Larceny-theft, Auto Theft and Arson*) as defined by the FBI in the Uniform Crime Reports. The remaining 3,089 were Part Two crimes. The Part One crime rate for the entire city during this same period was 3,191.81 per 100,000 people. The national Part One crime rate was 3,667.02* per 100,000 people.

Crimes	RD 12	Newport Beach	California*	National*
Part 1	96	2,884	1,184,073	10,639,369
Part 2	47	3,350	N/A	N/A
Part 1Crime Rate	5,370.03	3,297.31	3,203.52	3,465.52

The number of active ABC licenses in this RD is 35**

Per capita ratio 1 license for every 51 residents.

This reporting district had a total of 193 reported crimes as compared to a City wide reporting district average of 152 reported crimes. This reporting district is 41 crimes more or 27.15% above the City wide reporting district average. This location is within an RD that is over the Orange County per capita average of ABC licenses**.

Arrest Information

There were 5 DUI arrests and 45 Plain Drunk arrest in this area during this same period as compared to 1,272 for the entire city. This RD amounts to 3.93% of the DUI/Drunk arrests made in the entire City. According to a recent national study by the Department of Justice, more than 36% of adult offenders convicted of crimes in 1996 had been drinking at the time of their arrest.

Arrests (DUI/Drunk)	RD 12 50	Newport Beach 1,272	California* 324,442	National* 2,094,731
Total Arrests	105	3,595	1,474,004	13,687,241

Additional Information

The Alcoholic Beverage Outlets ordinance states that the Planning Commission shall consider the crime rate in the adjacent reporting districts. The two adjacent reporting districts you requested are RD 13 and RD 15

Crimes	RD 13	RD 15
Part 1	70	319
Part 2	65	179
Crime Rate	3,632.89	10,701.32
Arrests (DUI/Drunk)	41	361
Total Arrests	127	635
Calls For Service	2,554	6,663
Number of active ABC licenses	6**	80**
Per capita ratio1 license for every	321* residents	38* residents.

Note: It is important to remember that when dealing with small numbers any change greatly affects any percentage changes.

The population figure used for the Crime Rate was 86,252.

*These numbers are from the 2009 Uniform Crime Reports, which is the most recent edition.

The **number of active ABC licenses is the total of all types of licenses known to the police department as of the date of this document. As of June 30, 2009 the Orange County average of active, retail ABC licenses was 1 license for every 542 residents. (5,589 licenses and a population of 3,026,786)

***This number includes simple assaults which are important when considering the overall nature of the RD.

If you are in need of any further assistance, please contact me at (949) 644-3791.

Paul Salenko
Crime Analysis Unit

Attachment No. PC 5

Police Department Recommendation

**City of Newport Beach
Police Department**

M e m o r a n d u m

April 28, 2011

TO: Makana Nova, Assistant Planner

FROM: Detective Bryan Moore

SUBJECT: Live Oak Newport, LLC, 111 Palm Street, Use Permit No. 2011-012.

At your request, the Police Department has reviewed the project application for *Live Oak Newport*, located at 111 Palm Street, Newport Beach. The applicant requests a conditional use permit to allow a restaurant with an outdoor patio, a second floor office area and an on-sale general (Type 47) alcoholic beverage license. The gross floor area of the establishment is 5,092 square feet, the interior net public area will be 2,200 square feet and the outdoor patio will be 606 square feet in area. The requested hours of operation are from 6 a.m. to 1 a.m., weekdays, and 6 a.m. to 2 a.m. weekends. A conditional use permit is also necessary to waive the 34 required off-street parking spaces because the subject property does not provide on-site parking.

I have included a report prepared by Crime Analyst Paul Salenko that provides detailed statistical information related to calls for service in and around the applicant's place of business. This report indicates that this new location is within an area where the number of crimes is 27.15% higher than the average of all reporting districts in the City. This location is also within an RD that is over the Orange County per capita of ABC licenses.

Applicant History

Charles Dunn Real Estate Services is the real estate company with offices in Orange County. They are currently acting as a broker for the owner of the property at 111 Palm Street. Charles Dunn Real Estate Services has determined that restoring the location to its original use as a restaurant (w/ alcohol service) will enable them to sell the property, for the owner, at the highest possible value.

The company's intent is to acquire a City Use Permit for the property (as restaurant use) to add to its marketability; however, there are no specific details with regard to the type of restaurant/operation which will occupy the property.

Police Activities and Calls for Service Data

There was no notable police related activity at this location in the past year.

Recommendations

The Police Department has no objections to a proposed eating and drinking establishment at this location. We do, however, have concerns about the proposed late hours; particularly since the applicant is a broker and cannot provide any specific information/background as to the type of operation.

The Police Department knows from experience that meal time hours generally end at 10 p.m., and that establishments open beyond that tend to focus more on the service of alcoholic beverages. We predict that another "bar" in this reporting district will only create more public safety concerns with regard to DUI's, intoxicated persons and general disturbances. This will be especially evident between the hours of 1 a.m. and 3 a.m., when patrons are leaving the establishment. These effects will only be compounded when combined with patrons leaving other nearby establishments such as: Cabo Cantina; Class of 47; Balboa Saloon and Shore House Café.

Due to the fact that the proposed operation will offer alcoholic beverage service (for on-site consumption) in combination with food service and late hours, the applicant/operator will be subject an Operator's Permit issued by the Chief of Police.

Signs and Displays

Any signs or displays would need to conform to City requirements. There shall be no exterior advertising or signs of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs, which are clearly visible to the exterior, shall constitute a violation of this condition.

Hours of Operation

The proposed hours of operation are from 6 a.m. to 1 a.m., weekdays, and 6 a.m. to 2 a.m., weekends.

The Police Department recommends that the hours of operation be from 6 a.m. to 12 a.m., Sunday through Thursday, and 6 a.m. to 1 a.m., Friday and Saturday. An earlier closing time could help lessen the impact that a late night eating and drinking establishment will have on the neighborhood, as well as police resources after 2 a.m.

Additionally, due to the outdoor patio's proximity to nearby residents the Police Department would support any noise mitigating measures recommended by the Planning Department (e.g., restricted hours, noise attenuating efforts, etc).

Security

The Police Department recommends that security matters be addressed by way of the Operator's License. This is due to the fact that the applicant can only provide very general information about the operation.

It should be noted that if the establishment operates past 11 p.m., the Police Department may require a comprehensive security plan and will issue appropriate conditions on the Operator's License.

Employee Training

Require all owners, managers, and employees selling alcoholic beverages to undergo and successfully complete a certified training program in responsible methods and skills for serving and selling alcoholic beverages.

Additional Comments

For the purposes of this application, staff may also want to consider establishing conditions that would require a Special Event Permit. A Special Event Permit may be required for any event or promotional activity outside the normal operational characteristics of the proposed operation. For example, events likely to attract large crowds, events for which an admission fee is charged, events that include any form of contract promoters, or any other activities as specified in the Newport Beach Municipal Code to require such permits.

Other Recommended Conditions

In addition, the Police Department has determined that the following conditions would be appropriate for the conditional use permit for the business:

1. Approval does not permit the premises to operate as a bar, tavern, cocktail lounge or nightclub as defined by the Newport Beach Municipal Code, unless the Planning Commission first approves a Use Permit.
2. No alcoholic beverages shall be consumed on any property adjacent the licensed premises under the control of the licensee.
3. Food from the full service menu must be made available during any "happy hour" type of reduced price alcoholic beverage promotion. There shall be no reduced price alcoholic beverage promotion after 9 p.m.
4. Petitioner shall not share any profits or pay any percentage or commission to a promoter or any other person based upon monies collected as a door charge, cover charge, or any other form of admission charge, including minimum drink orders or the sale of drinks.
5. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records, which reflect separately the gross sales of food and the

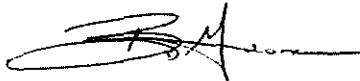
gross sales of alcoholic beverages of the licensed business. These records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department on demand.

6. There shall be no on-site radio, television, video, film or other electronic media broadcasts, including recordings to be broadcasted at a later time, which include the service of alcoholic beverages, without first obtaining an approved Special Event Permit issued by the City of Newport Beach.
7. There shall be no live entertainment allowed on the premises.
8. There shall be no dancing allowed on the premises.
9. No games or contests requiring or involving the consumption of alcoholic beverages shall be permitted.
10. Food service from the regular menu must be available to patrons up to thirty (30) minutes before the scheduled closing time.
11. Strict adherence to maximum occupancy limits is required.

Alcoholic Beverage Control License

Upon approval of the CUP, the ABC license will be conditioned as necessary to maintain the health, safety and welfare of the Community.

If you have any questions, please contact me at (949) 644-3725.



Detective Bryan Moore
ABC Liaison/Vice/Intelligence



Craig Fox, Captain
Detective Division Commander

Attachment No. PC 6

Zoning Code Section 20.40.060

(Parking Requirements for Food Service Uses)

20.40.060 – Parking Requirements for Food Service Uses

A. Establishment of parking requirement. The applicable review authority shall establish the off-street parking requirement for food service uses within a range of one space for each 30 to 50 square feet of net public area based upon the following considerations:

1. The physical design characteristics:

- a. The gross floor area of the building or tenant space;
- d. The number of tables or seats and their arrangement;
- e. Other areas that should logically be excluded from the determination of net public area;
- f. The parking lot design, including the use of small car spaces, tandem and valet parking and loading areas;
- g. Availability of guest dock space for boats; and
- h. Extent of outdoor dining.

2. Operational characteristics:

- a. The amount of floor area devoted to live entertainment or dancing;
- b. The amount of floor area devoted to the sale of alcoholic beverages;
- c. The presence of pool tables, big screen televisions or other attractions;
- d. The hours of operation; and
- e. The expected turn over rate.

3. Location of the establishment:

- a. In relation to other uses and the waterfront;
- b. Availability of off-site parking nearby;
- c. Amount of walk-in trade; and
- d. Parking problems in the area at times of peak demand.

B. Conditions of approval. If during the review of the application, the review authority uses any of the preceding considerations as a basis for establishing the parking requirement, the substance of the considerations shall become conditions of the permit application approval and a change to any of the conditions will require an amendment to the permit application, which may be amended to establish parking requirements within the range as noted above.

Attachment No. PC 7

Parking Management Program



Charles Dunn
Real Estate Services, Inc.
800 W. Sixth Street, 6th Floor
Los Angeles, CA 90017
Tel: (213) 683-0500
Fax: (213) 683-1551
www.charlesdunn.com

RECEIVED BY
PLANNING DEPARTMENT

JUN 06 2011

May 25, 2011

CITY OF NEWPORT BEACH

Parking Management Plan for Conditional Use Permit No. UP2011-012 for a Restaurant and Full Bar at 111 Palm St, Newport Beach

Parking Management Plan

Property Information

Location:

The property is located at 111 Palm St at the southwest corner of Balboa Blvd and Palm St in the City of Newport Beach. The property is located in the southern section of the Newport Beach peninsula. The property is mainly one-story with a small office located on the upper floor. The property was originally built as a restaurant in 1985 and called "Bubbles". In recent years, the property was converted to an office/workshop. In September 2010, the current Property Owner acquired the property.

Site Description:

The property is flat and consists of approximately 5,504sf. The parcel is 58.59 feet wide by 95 feet long. There is a 10 foot wide city alleyway in the rear. The property is located in the southern section of the peninsula and within a few hundred feet of the beach, Fun Zone, marina and multiple public parking lots.

On the property there is a 1.5 story commercial building consisting of approximately 5,427sf. The lower floor is approximately 4,554sf and is a former restaurant space with major restaurant infrastructures in place. The upper floor is an office/storage area with a deck. The upper floor is approximately 873sf. The floor area ratio of the building is approximately 98%. The building/lot coverage ratio is approximately 83%. There is minimal landscaping on the property other than a 2 foot by 15 foot wide water fountain on the rear of the building. Paving for the property consists mainly of the patio area (606sf). Total paving area as a percentage of the lot area is approximately 11%. There is minimal paving on the front and rear of the building to transition between the sidewalks and the alleyway into the building. Due to site constraints, there is no on-site parking provided.

Land Use

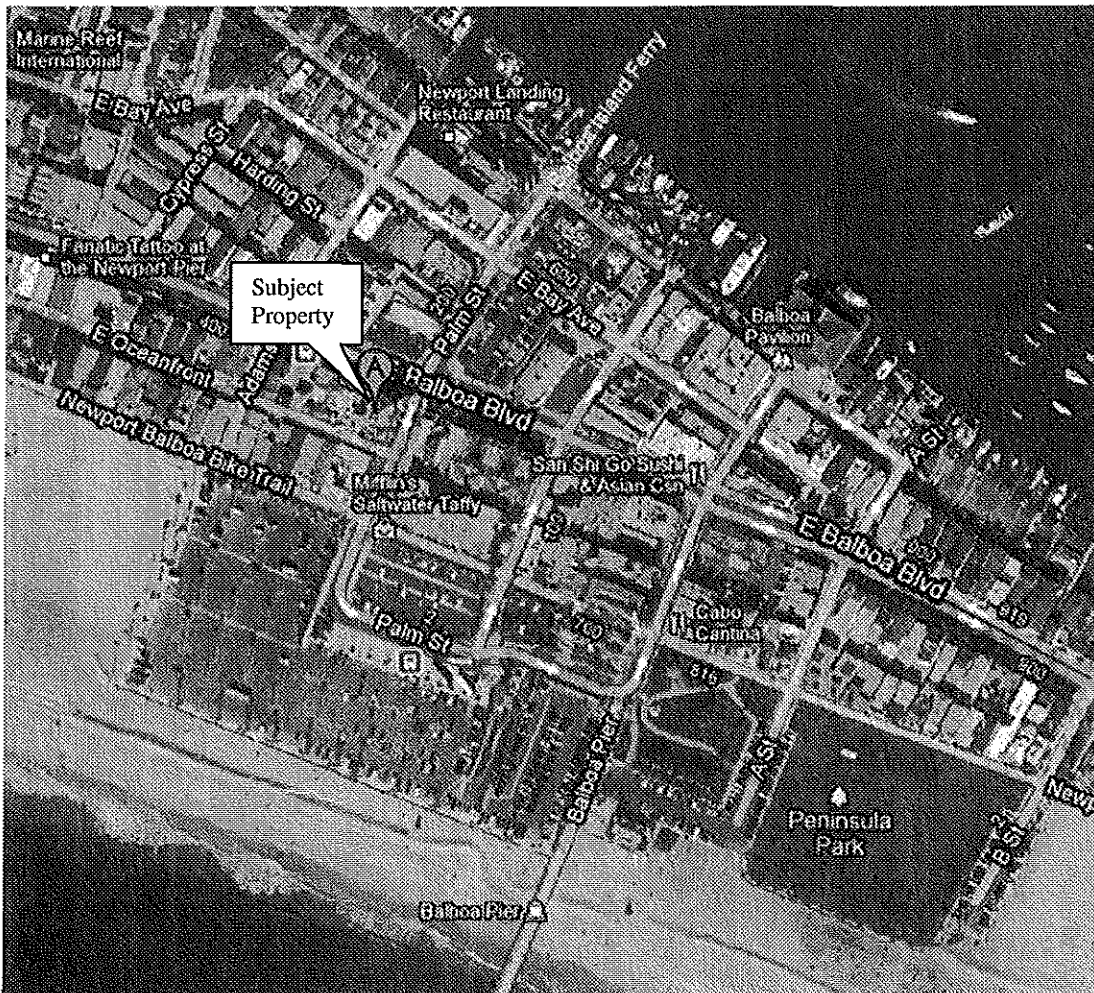
The property was originally built as a restaurant with a full service bar in 1985. Over the years, the property has been converted to various uses such as offices, art gallery and a jewelry workshop. The last use at the property was as a jewelry workshop. The property has been vacant since August 2010. A CUP has been filed to convert the property back to a restaurant use with a full bar service.

Neighborhood Character

The property is located at the southern end of the peninsula in a highly diverse area with different land uses next to each other. The neighborhood is predominantly multi-family. The land uses in the area

includes commercial (office, retail and restaurant/bars), public and private recreational amenities (beach, pier, parks, bike trails and marina), public parking lots and amusement park (Fun Zone). To the north of the property is a liquor store. On the east side of the property across from Palm St is a restaurant/gift shop. A multi-family residential building is located to the south across from the alley way. A commercial building is located on the west side of the property. Located within 200 feet of the property are multiple city public parking lots with a capacity of approximately 690 parking stalls. Located in the surrounding area and within walking distance of the property are multiple restaurants and bars that service the area.

Aerial Map of the Subject Property and Neighborhood



Restaurant Operations

Business Plan:

The business plan for the property is to operate a full-service sit-down restaurant that caters to both the local residents and visitors to the many attractions in the peninsula in order to create a viable business. With its proximity to the Fun Zone, beach, pier and marina, the property is ideally suited to being a restaurant again. Another benefit of approving the property as a restaurant is that the property was previously used as a result and has most of the restaurant infrastructure in place. Minimal improvements are required to convert the space back to a full-service restaurant. The property owner anticipates minor cosmetic improvements to the property.

Operations:

Because of the location of the restaurant, the owner plans to operate the restaurant from 6:00 am to 1:00 am on Friday and Saturday (weekends) and 6:00 am to 12:00 am from Sunday through Thursdays (weekdays) for indoor dining room. The ownership understands the concerns of the potential noise impact to the neighbors caused by patrons in the patio area. As a result, the owner would like to operate the patio on the weekdays and weekends until 10:00 pm and 11:00 pm respectively.

The owner plans to apply for a Type 47 (On Sale General, Eating Place) alcoholic license from the Department of Beverage Control (ABC). Alcoholic beverages will be served under the guidelines provided by the City of Newport. The restaurant has the required restroom capacity for a Type 47 license. The full-service bar has been requested in order to complement the dining experience at the restaurant. The restaurant will be operated as a full service restaurant with a full bar service in order to cater to a more mature clientele.

In addition to dine-in service, the owner plans to provide delivery, to go and catering to help alleviate any potential traffic impact caused by the restaurant. The additional dining service methods will expand the dining options for the local residents and visitors to the area.

Parking Management Plan**Request:**

With a requirement to provide 32 parking spaces on a site that is approximately 5,504sf, it is impossible to provide the required parking on-site. In order to meet the parking requirement, the ownership requests the City to allow the ownership to purchase 32 parking vouchers annually in lieu of requiring the owners to provide the parking on-site. The City has multiple public parking lots within walking distance of the property. Diagonally across the street from the property is a newly built city owned public parking lot. The parking lots are currently under utilized except for a few months during the summer. By granting the property the 32 parking vouchers in lieu of the required parking, the property will help the City utilize more of the existing public parking lots and generate a steady stream of revenue for the City.

Parking Mitigation Measures:

In order to properly address the parking requirement, the owner plans to implement multiple initiatives to mitigate the parking requirement. The main initiative of the parking management plan will be obtaining the City's waiver on the parking requirement through the purchase of annual parking passes to park at city owned public lots. Another initiative of the parking management plan is to reduce the potential parking created by the restaurant by modifying how the restaurant is operated.

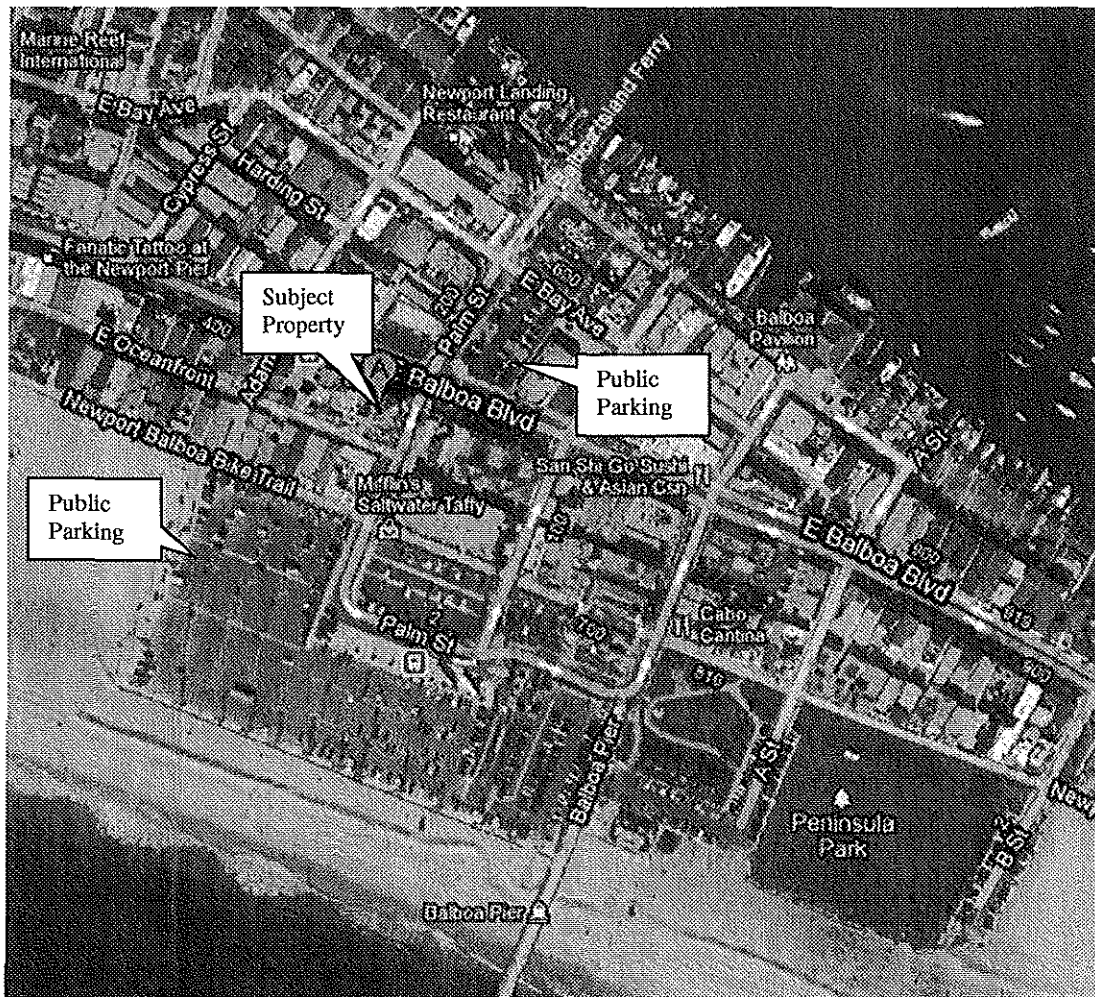
As part of the entitlement process, the restaurant is required to provide 32 parking stalls to meet the parking requirement for the proposed use. In order to comply with the required parking requirement for a full-service sit down restaurant, the owner plans to request a waiver for the parking requirement through the purchase of annual parking passes. In the following sections, the owner will outline the unique characteristics of the area and the amenities available along the peninsula that will show how the parking requirement for the proposed restaurant is less than a typical restaurant in other parts of the city. The parking management plan will also detail how the proposed mitigation measures will be more than sufficient to addressing the parking requirement.

Ample Municipal Public Parking Facilities:

Within 300 feet of the property, the City currently has multiple lots in the surrounding neighborhood that are currently under utilized about 9 months out of the year. The lots are only utilized to its capacity

during the summer months and usually during the weekends from 10:00 am to 5:00 pm. The existing public parking lots have ample capacity to provide parking for patrons who decide to drive to the restaurant. The Balboa Pier parking lots, which are approximately 120 feet away, have the capacity to provide 650 parking spaces. Across the street from the restaurant, the City has a new parking lot that has the capacity to provide approximately 40 parking spaces. With approximately 690 parking stalls within 300 feet of the restaurant, the city's existing parking lots have ample capacity to provide the required parking without affecting the overall service level of the parking lots to the general public.

As can be seen on multiple visits to the site, the public parking lots are empty throughout the day. Please see below for an aerial of the property and the proximity of the public parking lots. As could be seen from the photograph, the parking lot is less than 5% utilized on the day the picture was taken.



Peak Parking Demand of the Restaurant:

The business hours of the restaurant will have minimal impact on the utilization level of the parking lots. The public parking lots are used mainly during the day between 10:00 am and 5:00 pm when visitors come to the area to enjoy the various coastal activities. Between the hours of 10:00 am and 5:00 pm the parking requirement for the restaurant is at its lowest point. Between those hours, the restaurant anticipates serving approximately 60 patrons. The restaurant anticipates that 50% of the patrons will walk or bike to the restaurant and 50% of the patrons (30 patrons) will drive to the restaurant. Assuming 1.5 patrons per vehicle and each vehicle is parked for 2 hours, we project the peak parking lot usage will be approximately 15.0 parking stalls which is substantially less than the required 32 parking stalls currently required because customers will come to the restaurant at various hours in the period.

During the morning and evening hours when the parking requirements for the restaurant will be higher, the public parking lot will be under utilized as the number of visitors dramatically decreases. Using similar assumptions, the peak projected number of stalls used on city public lots at any one time is approximately 9.75, 20.25 and 15.0 for breakfast, dinner and late night respectively. Please see the schedule below. Overall, the peak parking requirements of the restaurant are opposite of the peak parking times for the public parking lots.

Projected Public Parking Stalls Occupied at Any One Hour by Patrons of the Restaurant

	Patrons	Time	Driving (# of Patrons Driving to Restaurant)	Stalls Req. (Assume 1.5 Patrons per Stall)	Peak Stalls Used at Any Hour of the Period (Stall Req. / # of Hrs in Period)
Breakfast	40	6am-10am	20	13	9.8
Lunch	60	11am-3pm	30	20	15.0
Dinner	70	5pm-9pm	40	27	20.3
Late Night	30	9pm-12/1am	30	20	15.0
Daily Total	200		120	80	

Breakfast	6-7 am	7-8 am	8-9 am	9-10 am
3.25 Vehicles	3.25	3.25		
3.25 Vehicles		3.25	3.25	
3.25 Vehicles		3.25	3.25	
3.25 Vehicles			3.25	3.25
Total	3.25	9.75	9.75	3.25

Lunch	11-12 pm	12-1 pm	1-2 pm	2-3 pm
5 Vehicles	5	5		
5 Vehicles		5	5	
5 Vehicles		5	5	
5 Vehicles			5	5
Total	5	15	15	5

Dinner	5-6 pm	6-7 pm	7-8 pm	8-9 pm
6.75 Vehicles	6.75	6.75		
6.75 Vehicles		6.75	6.75	
6.75 Vehicles			6.75	6.75
6.75 Vehicles			6.75	6.75
Total	6.75	13.5	20.25	13.5

Late Night	9-10 pm	10-11 pm	11-12 am	12-1 am
5 Vehicles	5	5		
5 Vehicles		5	5	
5 Vehicles		5	5	
5 Vehicles			5	5
Total	5	15	15	5

Proximity of Local Residents to the Restaurant:

The property is located in an intensely urban and developed section of Newport Beach. Due to the intense urbanization of the area and the close proximity of amenities, the percentage of residents biking or walking in lieu of driving is higher than a typical neighborhood in the city. Residents in the area have a very active and outdoor lifestyle. Residents in the area use other modes of transportation such as roller blading, walking or biking to get around the peninsula. The majority of the patrons for the restaurant throughout the year will be local residents. As a result, the owner anticipates that the majority of the local residents will either walk or bike to the restaurant because the residents will view the restaurant as part of their current use of the amenities in the surrounding area (beach, bike trails, marina, Fun Zone, etc).

Restaurant Proximity to Coastal Amenities and the Reduction in Parking Requirements by Visitors:

Due to its proximity to the marina, beach, bike trails, parks and the Fun Zone, the vast majority of the visitors to the restaurant will walk or bike to the property after they have enjoyed the surrounding coastal amenities. As a result, the restaurant will not generate the amount of required parking as typically required for a similar restaurant in another part of the city.

The proposed restaurant is a visitor serving commercial use that is designed to enhance the public opportunities for coastal recreation. The restaurant is designed as a complement to the other destination amenities that have traditionally drawn visitors to the area. Visitors come to the peninsula because they are attracted to the many recreational activities available to them in the area such as Fun Zone, the beach, the bike trails and the marina. Once the visitors are in the area utilizing the existing recreation amenities, they will view the restaurant as a complimentary amenity to fill their dining needs. The visitors would have used the public parking lots with or without the existence of the restaurant. The patronage of the restaurant by the visitors and residents will not increase the parking requirements of the property because the residents/visitors would have used the public parking lots in order to use the coastal amenities in the area.

By having a restaurant at the property, the traffic congestion in the area will be reduced because visitors and residents will not need to leave the area to find a comparable dining establishment further up the peninsula. The restaurant may help reduce the current level of traffic in the area during the peak summer months because visitors and residents will stay in the neighborhood longer to enjoy the coastal amenities instead of leaving the area to dine.

Parking Mitigation Measures by Modifying the Restaurant's Operations:

The owner plans to implement a delivery service to mitigate the parking and traffic impact of the restaurant to the local transportation infrastructure. A typical delivery trip will include multiple deliveries. The multiple deliveries will substantially reduce the traffic impact and parking requirement. The restaurant also plans to offer to-go or catering services to minimize the amount of time patron spend at the restaurant. Patrons who order to go will be using the parking lots for short durations and will not impact the utilization level of the parking lot significantly. Catering services will also allow the restaurant to minimize the number patrons coming to the restaurant.

Conclusion to Parking Management Plan

In conclusion, the projected parking requirement for the proposed restaurant is substantially less than a comparable restaurant because of the unique characteristics of the southern peninsula. Because of the proximity of the restaurant to local residents and visitors to the coastal amenities, the majority of the customers (residents and visitors) will walk or bike to the restaurants. The restaurant will not increase the parking requirements among visitors because the visitors will view the restaurant as a complementary

amenity to the many destination coastal amenities that attracted them to the peninsula. With multiple public parking lots having approximately 690 parking stalls that are under utilized the vast majority of the time throughout the year and a peak parking requirement of 15 parking stalls during the peak parking hours of 10:00 am to 5:00 pm, the parking generated by the restaurant is approximately 2% of the parking capacity of the parking lots. Based on the mitigation measures in place to address the parking requirements, we hope the City will approve the purchase of annual parking pass in lieu of providing the required number of parking stalls.

Attachment No. PC 8

Annual Parking Permit Information



ABOUT ANNUAL PARKING PERMITS

An Annual Parking Permit entitles a motor vehicle to occupy a SINGLE parking space in designated areas of the City of Newport Beach, without depositing coins in a BLUE parking meter post.

- Permits are valid at metered spaces with BLUE parking meter posts. The map on the reverse side of this flyer illustrates the applicable parking area locations.
- A permit is not valid on a motor vehicle that is 84 inches or more in width and more than 84 inches in height or more than 20 feet in length or without a windshield.
- Some municipal parking spaces have a maximum length of 18 feet which must be observed.
- Issuance of a permit does not allow violation of parking regulations.
- Permits do not establish any parking priority. Entry is prohibited when "LOT FULL" signs are posted at the Balboa Municipal Parking Lot and/or the Corona del Mar Beach Parking lot.
- Permits are not valid for overnight parking (defined as 3:00 a.m. to 6:00 a.m.), at the Balboa Municipal Parking Lot.

Permits are valid from January 1 to December 31.

The Annual Permit fees are as follows. If purchased during:

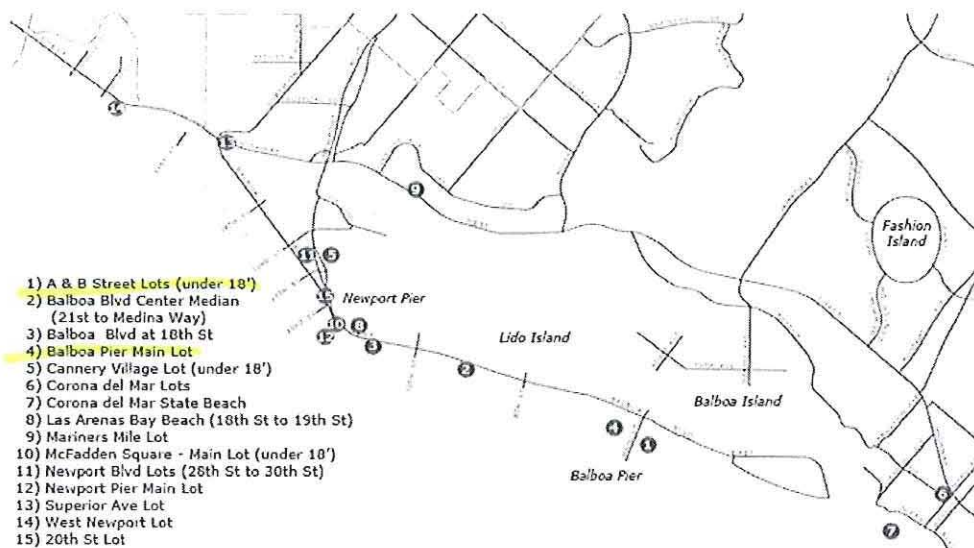
January 1 through March 31: \$100

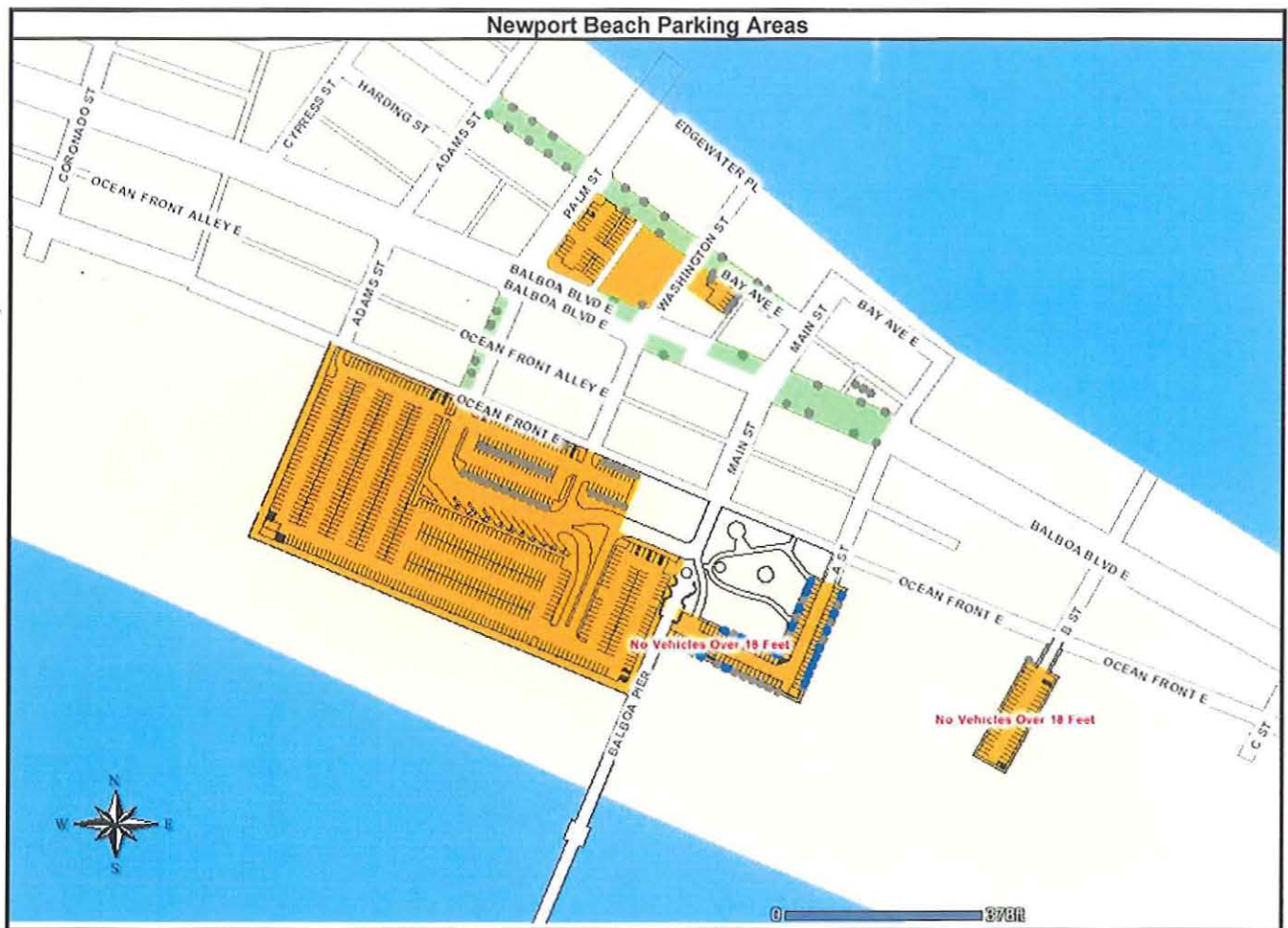
April 1 through June 30: \$ 75

July 1 through September 30: \$ 50

October 1 through December 31: \$ 25

- Persons 65 years of age or older may purchase one permit at half price. The following information must be presented in order to purchase the half price permit: 1) Valid California Driver's License; 2) Proof of vehicle registration; 3) Vehicle license plate number.
- Permits may be purchased in person at Newport Beach City Hall between the hours of 7:30 a.m. and 5:00 p.m., Monday through Friday or via mail by forwarding a check or money order, (payable to the City of Newport Beach), the required vehicle and registration information, and a stamped, self-addressed envelope to: Cashier, City of Newport Beach, P.O. Box 1768, Newport Beach, CA 92658-8915. The City will not reissue permits which may be lost in the mail. Call (949) 644-3121 for additional information.
- Permits must be PERMANENTLY affixed to the lower right (passenger) corner of the inside of the front windshield. Vehicles may be subject to citation if the permit is not clearly visible or not permanently affixed. In order to affix the parking permit to the windshield: 1) Fold permit in the middle and peel off the backing; 2) Place the permit in the lower right (passenger) corner of the inside windshield; and 3) Press firmly to affix the permit to the windshield.
- The City of Newport Beach does not assume responsibility for lost nor stolen parking permits.
- Permits may be re-issued if a vehicle is sold, transferred or if the windshield is replaced. A \$10.00 permit replacement fee is required along with, proof of purchase of the original permit, proof of sale or transfer of the vehicle, or proof of windshield replacement. The original permit must also be returned.





Attachment No. PC 9

Applicant's Project Description



Charles Dunn
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Tel: (213) 683-0500
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www.charlesdunn.com

RECEIVED BY
PLANNING DEPARTMENT

JUN 06 2011

May 25, 2011

CITY OF NEWPORT BEACH

To: City of Newport Beach – Planning Department (c/o: Makana Nova)

From: Nathan Ung

Re: Amendment to Conditional Use Permit No. UP2011-012 for a Restaurant and Full Bar at 111 Palm St, Newport Beach

Dear City of Newport Beach – Planning Department,

I am writing as applicant and on behalf of Lone Oak Newport, LLC (“Property Owner”) to provide an updated application in response to the Planning Department’s letter dated April 18, 2011.

Property Information

Location:

The property is located at 111 Palm St at the southwest corner of Balboa Blvd and Palm St in the City of Newport Beach. The property is located in the southern section of the Newport Beach peninsula. The property is mainly one-story with a small office located on the upper floor. The property was originally built as a restaurant in 1985 and called “Bubbles”. In recent years, the property was converted to an office/workshop. In September 2010, the current Property Owner acquired the property.

Site Description:

The property is flat and consists of approximately 5,504sf. The parcel is 58.59 feet wide by 95 feet long. There is a 10 foot wide city alleyway in the rear. The property is located in the southern section of the peninsula and within a few hundred feet of the beach, Fun Zone, marina and multiple public parking lots.

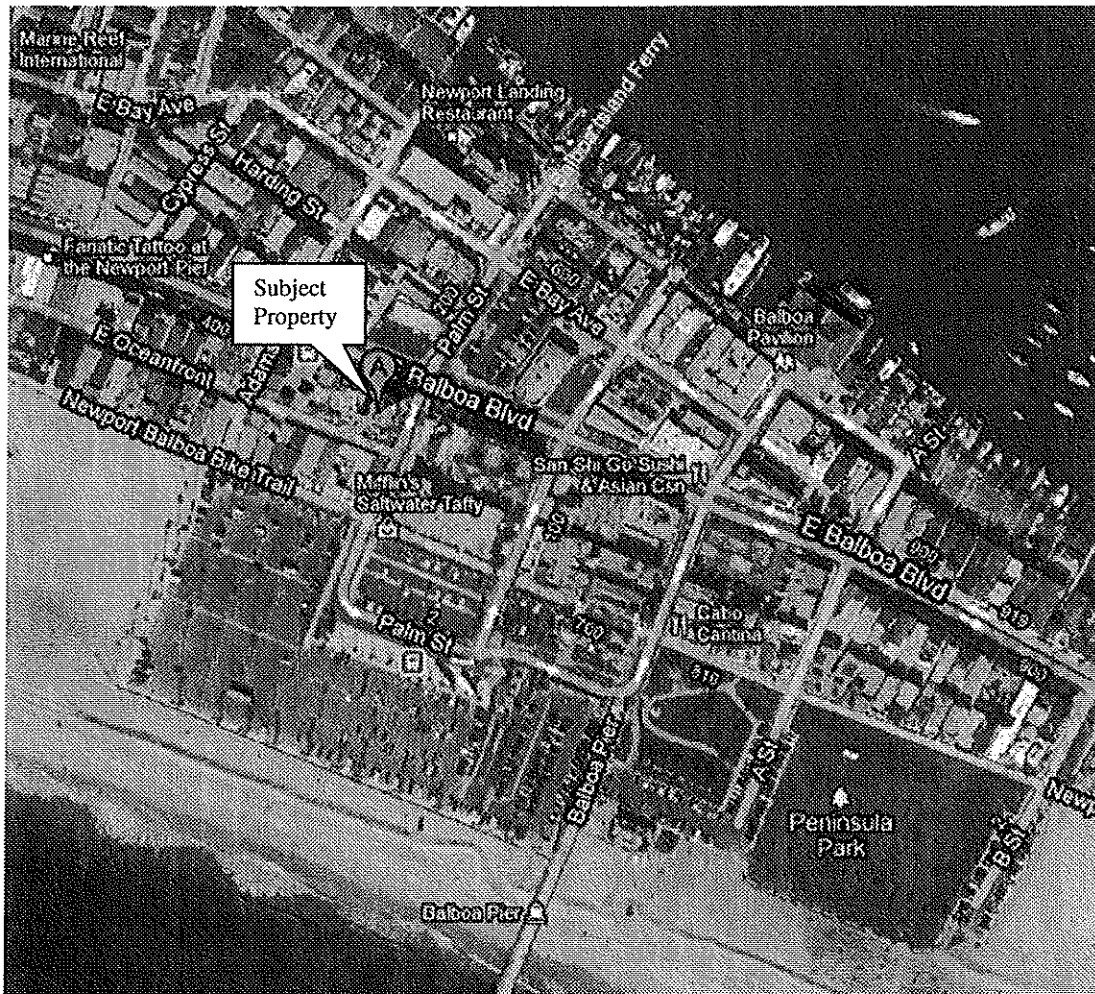
On the property there is a 1.5 story commercial building consisting of approximately 5,427sf. The lower floor is approximately 4,554sf and is a former restaurant space with major restaurant infrastructures in place. The upper floor is an office/storage area with a deck. The upper floor is approximately 873sf. The floor area ratio of the building is approximately 98%. The building/lot coverage ratio is approximately 83%. There is minimal landscaping on the property other than a 2 foot by 15 foot wide water fountain on the rear of the building. Paving for the property consists mainly of the patio area (606sf). Total paving area as a percentage of the lot area is approximately 11%. There is minimal paving on the front and rear of the building to transition between the sidewalks and the alleyway into the building. Due to site constraints, there is no on-site parking provided.

Land Use:

The property was originally built as a restaurant with a full service bar in 1985. Over the years, the property has been converted to various uses such as offices, art gallery and a jewelry workshop. The last use at the property was as a jewelry workshop. The property has been vacant since August 2010. A CUP has been filed to convert the property back to a restaurant use with a full bar service.

Neighborhood Character:

The property is located at the southern end of the peninsula in a highly diverse area with different land uses next to each other. The neighborhood is predominantly multi-family. The land uses in the area includes commercial (office, retail and restaurant/bars), public and private recreational amenities (beach, pier, parks, bike trails and marina), public parking lots and amusement park (Fun Zone). To the north of the property is a liquor store. On the east side of the property across from Palm St is a restaurant/gift shop. A multi-family residential building is located to the south across from the alley way. A commercial building is located on the west side of the property. Located within 200 feet of the property are multiple city public parking lots with a capacity of approximately 690 parking stalls. Located in the surrounding area and within walking distance of the property are multiple restaurants and bars that service the area.

Aerial Map of the Subject Property and Neighborhood

Request

The Property Owner would like to request a conditional use permit (CUP) from the City of Newport to convert the property back to a restaurant with full bar service. The restaurant will have indoor and patio dining. The proposed hours for the interior dining will be from 6:00 am to 1:00 am on Friday and Saturday and 6:00 am to 12:00 am from Sunday through Thursday. The proposed hours for the patio will be from 6:00 am to 11:00 pm on Friday and Saturday and 6:00 am to 10:00 pm from Sunday through Thursday. Because of the small site and inability to provide on-site parking, we would also like to request a waiver to the parking requirements. With existing public parking lots located close by, we would like to request the purchase of annual parking passes to use the city's parking lots in lieu of providing the required parking stalls. A parking management plan has been provided as part of the submittal package to justify the request for a waiver to the parking requirements.

The property is anticipated to have a capacity for approximately 111 occupants (72 indoor table, 11 bar and 28 patio table). The number of employees has not been determined yet. But based on the size of the restaurant, we anticipate approximately 6-8 employees in a shift.

Summary of Conditional Use Permit Request

1. Operate a restaurant with full bar service.
2. Hours of operations from 6:00 am to 1:00 am on Friday and Saturday and 6:00 am to 12:00 am from Sunday through Thursday.
3. The patio area will close at 11:00 pm on Friday and Saturday and 10:00 pm From Sunday through Thursday.
4. Waiver of the on-site parking requirements by purchasing annual parking passes to use the City's public parking lots in lieu.

Justification

After speaking with multiple brokers, the highest and best use for the property is to convert the property back to being a restaurant. It is the intent of the Property Owners to create a viable business for the property that will be a benefit to all stakeholders and generate additional tax revenue for the city. Because of its walking proximity to the beach, parks, biking trails, Fun Zone, marina and its small building area, a restaurant at the property will be complimentary to the surrounding neighborhood. Previous property owners have tried other businesses such as offices and workshops but they have been unsuccessful because of the location. The limited parking and location away from commercial centers are detriments in attracting quality office tenants. With a restaurant use, the property will be more consistent with the surrounding neighborhood and the needs of the location. Currently, there are very few full service restaurants serving the local residents and visitors at the southern end of the peninsula and surrounding island communities like Lido and Balboa Islands. With a full service restaurant, the property will address the needs of the local residents and help alleviate some of the traffic caused by residents having to drive out of the peninsula for their dining needs. The restaurant will serve local residents throughout the year and visitors who travel to the peninsula to enjoy the many coastal activities along the peninsula.

The restaurant anticipates that the traffic generated by the restaurant will be minimal because the restaurant will be a visitor serving commercial use that will enhance the public opportunities for coastal recreation. Most of the customers will be local residents who will be walking to the restaurant or visitors coming to the peninsula to visit the many attractions in the area (Fun Zone, beach and marina). The visitors coming to the area will see the restaurant as an enhancement of their experience on the peninsula. The restaurant will not increase the utilization of the parking lot by the visitors because the visitors will be utilizing multiple amenities in the area after they park their car. The restaurant will complement the other amenities. The restaurant will help the city generate additional revenue by capturing the spending money of residents and visitors within the city. In order to have a viable restaurant business and cater to a higher quality of clientele, a full bar is also required.

With the building occupying almost the entire property, it is physically impossible to provide the required on-site parking to meet the restaurant parking requirement for the proposed restaurant size. There are multiple public parking lots within walking distances that have the capacity to provide the required parking for the property. On multiple visits to the property, the public parking lots were mostly empty. In speaking with local residents and business owners, the city public parking lots are full only during the summer months. The restaurant will help the City generate additional parking revenue by increasing the utilization of the parking lots during the off season. The City has a history of allowing businesses to acquire parking passes in lieu of providing on-site parking. The request by the owner is consistent with the City's actions.

Business Plan

The business plan for the property is to operate a full-service sit-down restaurant that caters to both the local residents and visitors to the many attractions in the peninsula in order to create a viable business. With its proximity to the Fun Zone, beach and marina, the property is ideally suited to being restaurant again. Another benefit of approving the property as a restaurant is that the property was previously used as a result and has most of the restaurant infrastructure in place.

Improvements

Minimal improvements are required to convert the space back to a full-service restaurant. The existing grease interceptor will be reused for service the restaurant. The existing patio and upper and lower dining areas will be reused as dining areas for patrons. The dining areas are in excellent condition and will only require finish work, painting and cleaning. The existing restrooms will be modified as required to meet the current ADA and building codes. Each men and women restroom has multiple stalls to comply with the requirements of having an alcoholic license for the restaurant. A new handicap ramp will be installed to provide handicap access between the upper and lower dining areas. The existing bar that is currently enclosed will be refurbished to its original condition and used as a bar for the entire restaurant again. In the rear of the building, the main storage area (Service area 1) will be converted to a full service kitchen. Service area 2 will be used as a pantry or dry storage for the restaurant. Trash for the property will be located within the building behind the existing roll-up doors in the rear. The trash will be moved to the alley way on trash pick up days. The wash out area will be enclosed behind the roll up doors to minimize the impact of the restaurant to the surrounding neighbors. The wash out will be connected to the existing sewer system as required by building codes when the kitchen improvements are installed.

The upper floor of the property will be used as an office and storage for dry materials such as linens and restaurant supplies. No improvements are planned for the upper floor.

The exterior façade will remain "as-is" along Palm St and Balboa Blvd. No improvements are anticipated other than repair and paint as required. The owners have not chosen a business name for the property. In the alleyway, the existing water fountain feature will be removed to increase the width of the alleyway.

Operations

Because of the location of the restaurant, the owner plans to operate the restaurant from 6:00 am to 1:00 am on Friday and Saturday (weekends) and 6:00 am to 12:00 am from Sunday through Thursdays (weekdays) for indoor dining room. The ownership understands the concerns of the potential noise impact to the neighbors caused by patrons in the patio area. As a result, the owner would like to operate the patio on the weekdays and weekends until 10:00 pm and 11:00 pm respectively.

The owner plans to apply for a Type 47 (On Sale General, Eating Place) alcoholic license from the Department of Beverage Control (ABC). Alcoholic beverages will be served under the guidelines provided by the City of Newport. The restaurant has the required restroom capacity for a Type 47

license. The full-service bar has been requested in order to complement the dining experience at the restaurant. The restaurant will be operated as a full service restaurant with a full bar service in order to cater to a more mature clientele.

In addition to dine-in service, the owner plans to provide delivery, to go and catering to help alleviate the traffic impact caused by the restaurant. The additional dining options will expand the dining options for the local residents and visitors to the area.

Parking

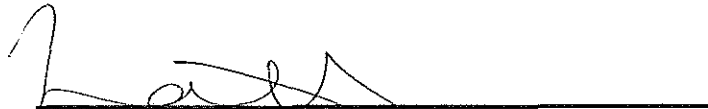
Because of the site's size (5,504sf), the property can not physically provide the 32 required parking spaces on the property. To meet the City's requirement for providing the 32 required parking spaces, the ownership would like to request the City to provide a waiver and provide a conditional use permit to obtain 32 parking spaces through the purchase of annual parking passes to park in the City's many public parking lots in the surrounding area. In conjunction with the annual parking passes, the owner will implement parking management plan. Please see the attached Parking Management Plan.

Contact Information

If you should have any questions, please feel free to contact me at any time. I look forward to hearing from you. Please find below my contact information.

Nathan Ung (Owner's representative)
Charles Dunn Real Estate Services, Inc.
800 W 6th St, 6th Flr
Los Angeles, CA 91770
Tel: 213-270-6221
Fax: 213-607-7821
Email: nung@charlesdunn.com

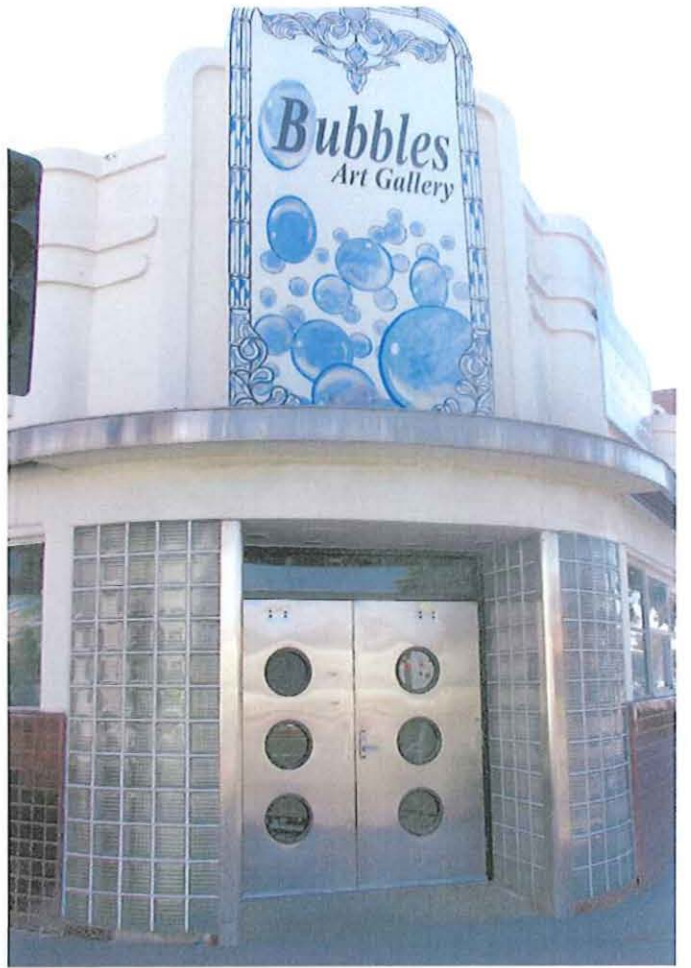
Very truly yours,

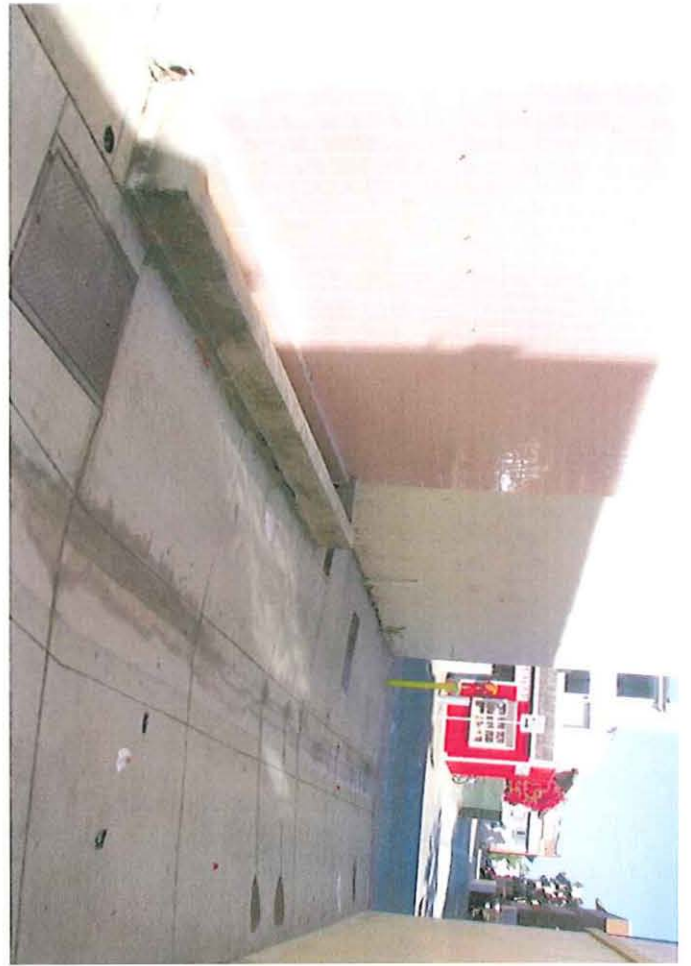
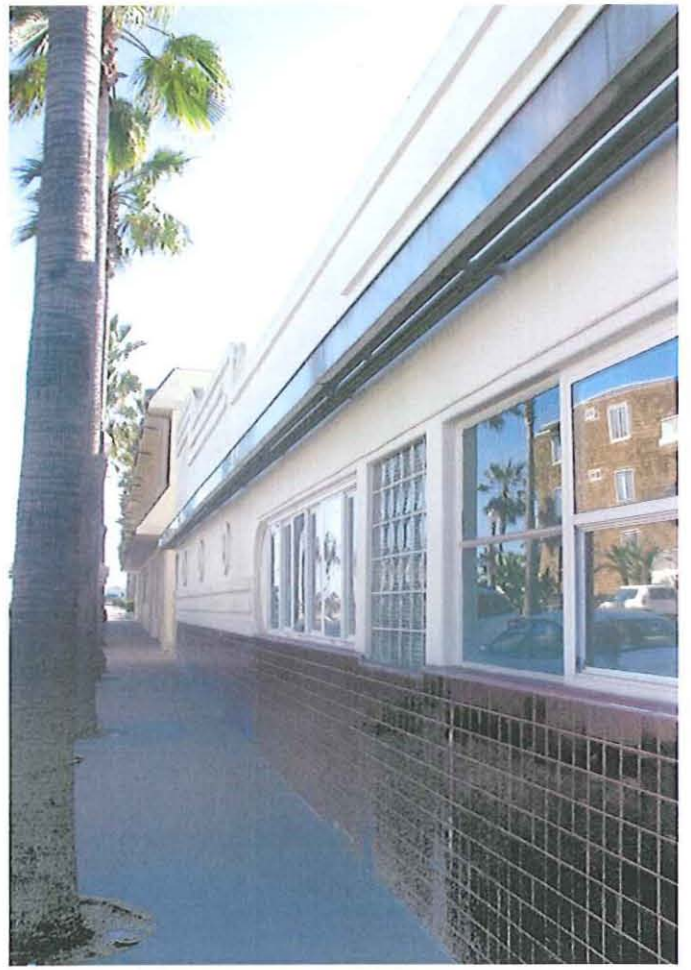
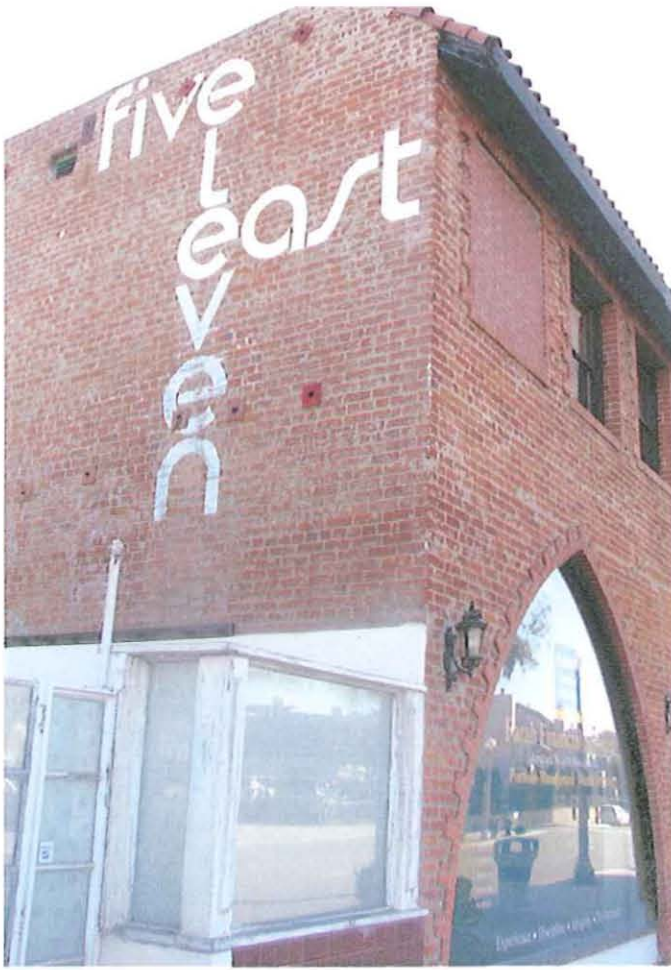


Nathan Ung
Owner's Representative for Lone Oak Newport, LLC

Attachment No. PC 10

Site Photos





Attachment No. PC 11

Public Comment: Letter of Opposition

Nova, Makana

From: jhurry@jhurry.com
Sent: Saturday, June 25, 2011 6:28 PM
To: Nova, Makana
Subject: Project PA2011-062 Activity No UP2011-012

SCAP III LLC which is the owner of 514 E oceanfront and 101 to 107 Palm street would like to make motion to deny such request for Project PA2011-062 Activity No UP2011-012 at 111 Palm. There are already too many issue here with load noise and drunks all over to allow another drinking establishment. Second to limited to parking which we do not get extended those courtesies. Third Such a use would be a serious problem for our residential tenants which reside behind the building and would have a serious negative impact on the value of our residential property. Please be advised if voted to be allowed we have to sue the city and owner of building. The city can not even enforce the current provisions with parking in the parking lot. There would not be able to enforce the loud noise and disturbance from such an establishment.

Sincerely,
J Hurry Member SCAP III LLC
602-881-7302

RECEIVED BY
PLANNING DEPARTMENT

JUN 27 2011

CITY OF NEWPORT BEACH

Attachment No. PC 12

Project Plans

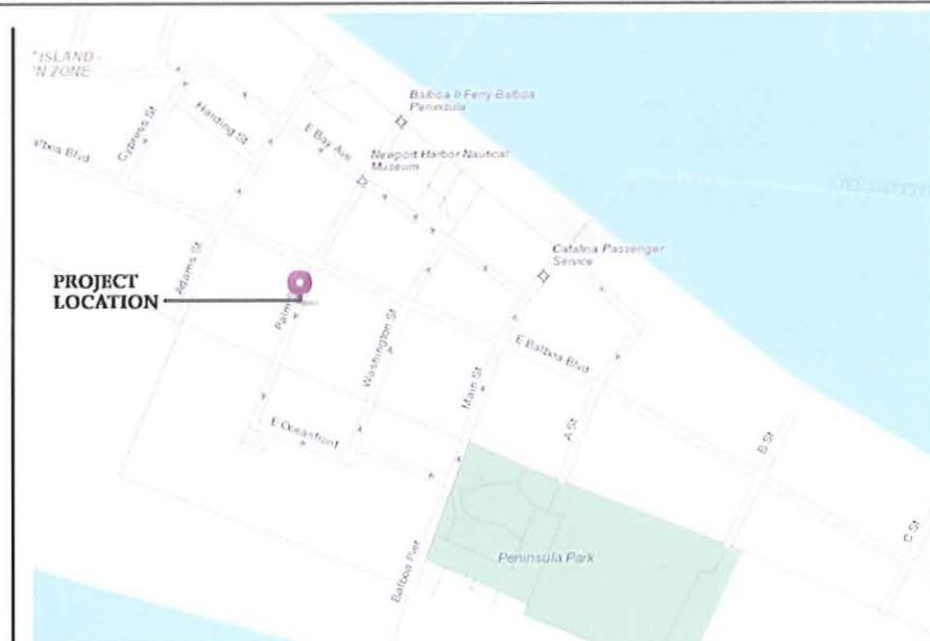


Site Plan

1" = 1/8"



Site Plan



PROPERTY ADDRESS:

111 PALM STREET, NEWPORT BEACH, CALIFORNIA, 92663

PROPERTY OWNER:

LONE OAK NEWPORT, 11611 SAN VICENTE BLVD. SUITE 640, LOS ANGELES, CA 90049
CONTACT: NATHAN UNG (213) 270-6221

ZONING:

MIXED USE VERTICAL

AREA:

SITE = 5504 SQ.FT. LOWER FLOOR = 4554 SQ.FT. UPPER FLOOR = 873 SQ.FT.
FLOOR AREA RATIO = $4554 + 873 / 5504 = 0.98$

SEATING PROPOSED:

DINING ROOM - 72 TABLE, 11 BAR. PATIO - 28 TABLE. TOTAL = 111

NOTE:

THE EXISTING STRUCTURE IS NON-CONFORMING TO THE REQUIRED 5 FOOT SETBACK ADJACENT TO THE INTERIOR RESIDENTIAL PROPERTY AND THE REQUIRED 10 FOOT REAR ALLEY SETBACK

Existing
Building

111 Palm Street
Newport Beach

DATE: MARCH, 2011

DRAWN BY:

SCALE: 1/8" = 1'-0"

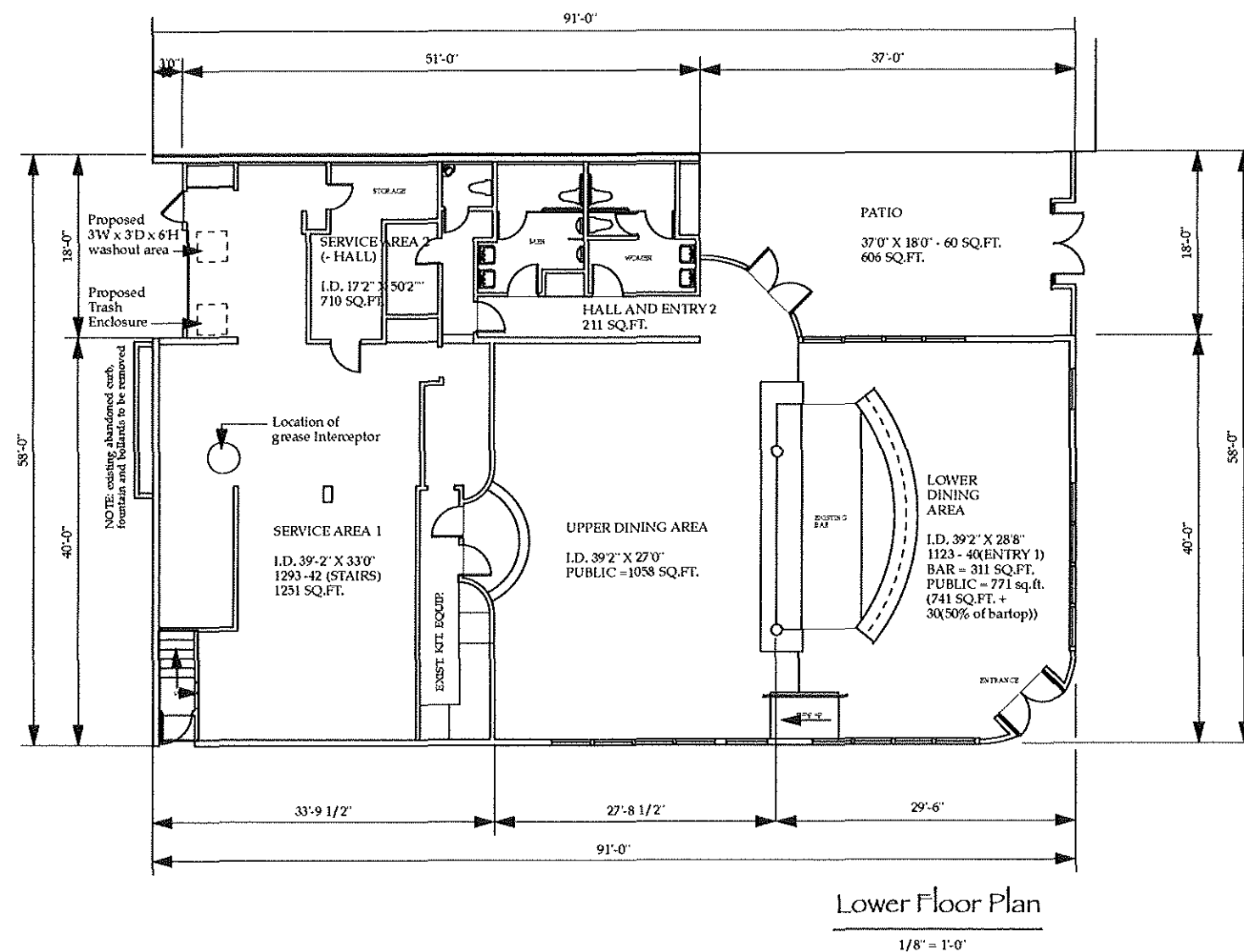
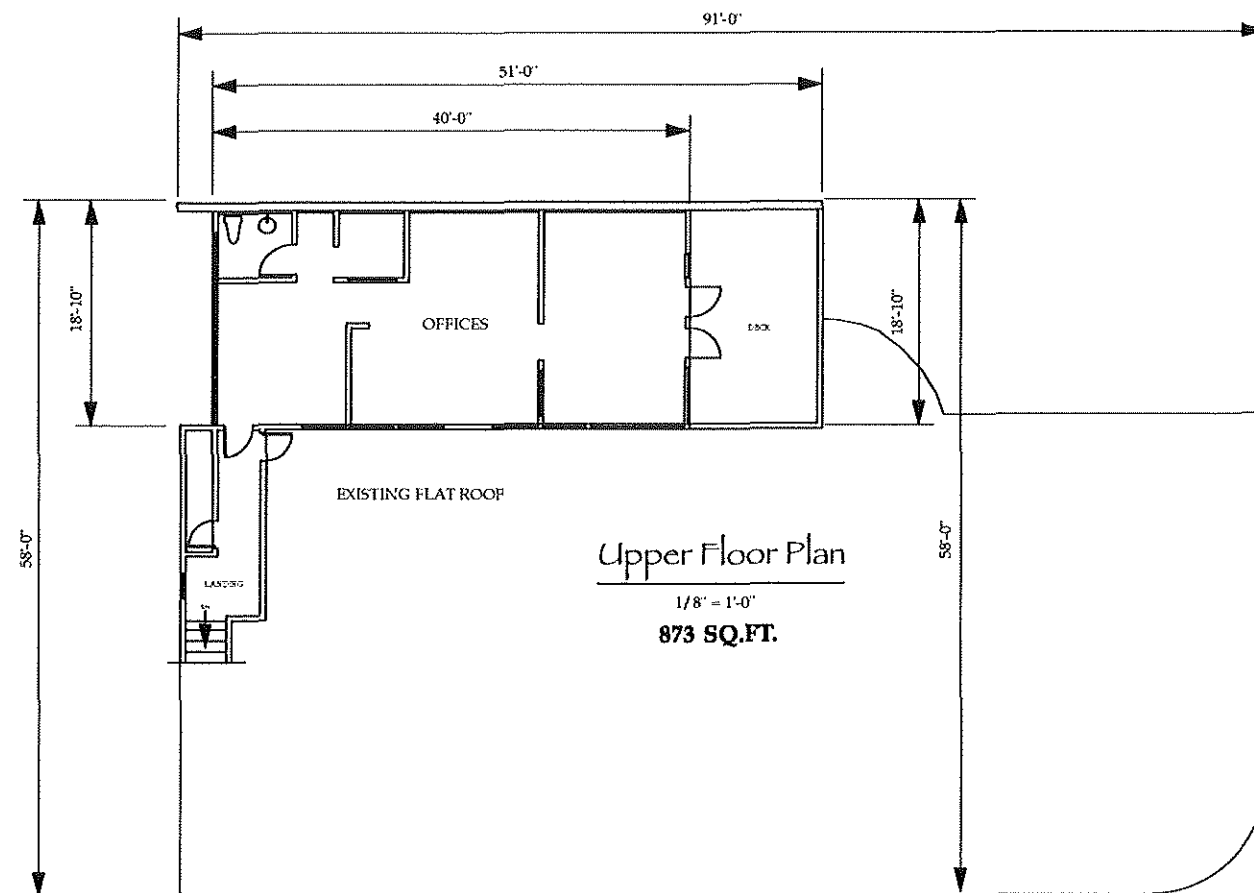
A1

LaRoche
ARCHITECTURE, INC.
Denis La Roche A.I.A.
949-939-3047

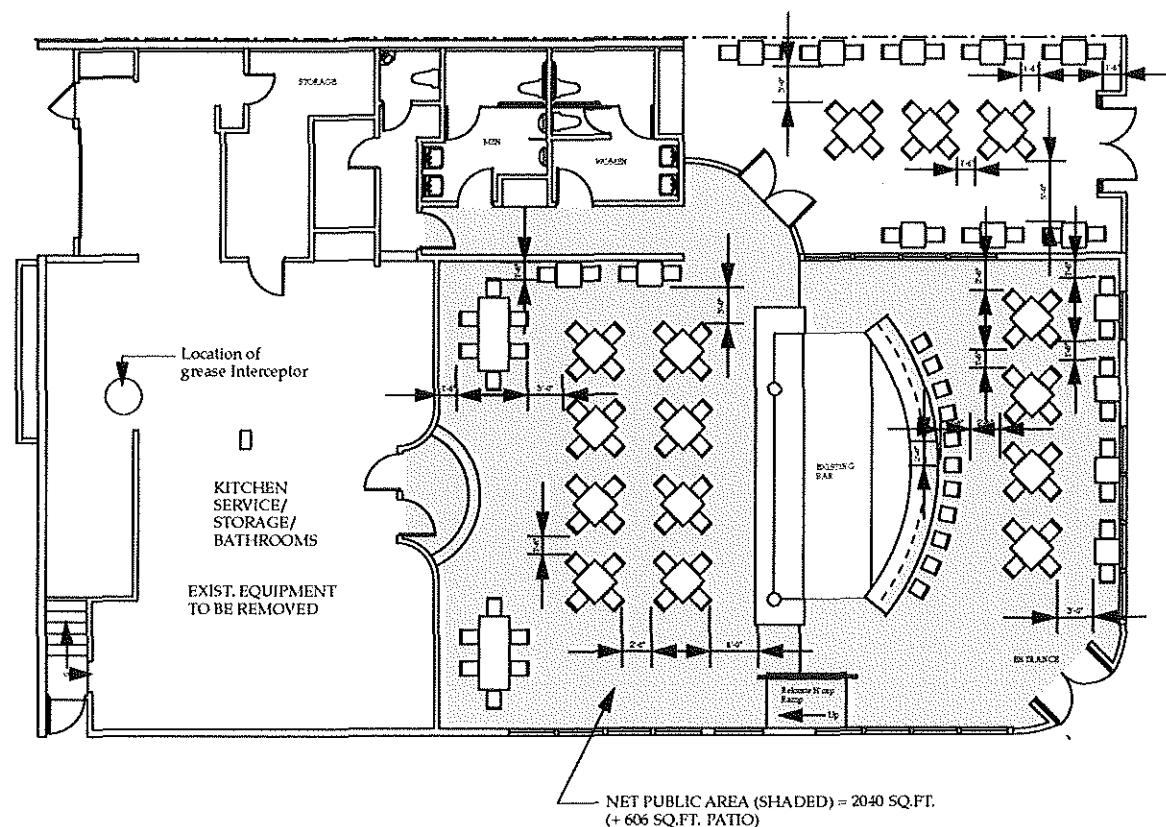
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JUN 06 2011

CITY OF NEWPORT BEACH



SEATING
DINING ROOM: = 72 TABLE, 11 BAR
PATIO: = 28 TABLE
TOTAL: = 111



Seating Plan

1/8" = 1'-0"

Floor Plan:

Existing
Building

111 Palm
Newport Beach

DATE: JAN. 2011
DRAWN BY:
SCALE: 1/8" = 1'-0"

A2